

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,  
Plaintiff,

vs.

(1) Amina Farah Ali and  
(2) Hawo Mohamed Hassan,  
Defendants.

)  
)  
) File No. CR-10-187  
) (MJD/FLN)  
)

) Minneapolis, Minnesota  
) October 5, 2011  
) 9:20 a.m.  
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BEFORE THE HONORABLE MICHAEL J. DAVIS and a Jury  
UNITED STATES DISTRICT COURT JUDGE

**(TRIAL - VOLUME III)**

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

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**P R O C E E D I N G S**

**IN OPEN COURT**

**(JURY NOT PRESENT)**

THE COURT: Let's swear the interpreters in,  
please.

THE CLERK: Please raise your right hands.  
(Interpreters sworn.)

THE COURT: Sidebar.

**(At sidebar.)**

THE COURT: Good morning.

DEFENDANT ALI: I have to tell the reason. I'm  
telling you something about yesterday of the conversation  
and your idea about the hadith. The way you talk to me  
yesterday, I change my mind last night. Since you discuss  
with me about the idea of religion and those things, I  
started changing my mind and I want to respect it to stand  
up.

And the past, I want you to forgive me since I  
have wrong idea. It wasn't wrong, but I change my mind  
because of the religion, so that I change my mind since I  
have a different idea.

THE COURT: You should know that I do respect your  
religion.

DEFENDANT ALI: Thank you.

THE COURT: And I respect you.

1                   DEFENDANT ALI: Thank you.

2                   THE COURT: It's very important that you know  
3 that, and I am glad we had the conversation yesterday so you  
4 would know.

5                   DEFENDANT ALI: It was good for me to talk to you.

6                   THE COURT: And you should know that, even more,  
7 that I have gone to Egypt and taught Egyptian judges and  
8 they are Muslim. I have gone to Uganda and taught judges  
9 there that are Muslim. I have been to Senegal and that is a  
10 Muslim country and I have taught judges there.

11                   Then I have gone to the Kingdom of Saudi Arabia  
12 and met with the high officials in the government to have  
13 sharia judges come to the United States and I was able to  
14 convince them, the king, to allow the sharia judges to come  
15 to the United States. They studied in Washington, D.C., and  
16 then they honored me by coming to Minnesota and spending a  
17 week here learning about our court system here in Minnesota.

18                   So it is important that not only your religious  
19 beliefs, but anyone else that has religious beliefs, or if  
20 they don't have any, be able to practice them.

21                   But it's important that you understand that I'm  
22 not asking for you to stand for me, but it's to stand for  
23 what this country stands for and our judicial system stands  
24 for and the struggles that this country has gone through to  
25 get where we are now where there is freedom of religion.

1           And so with you -- if I understand you correctly,  
2           that you will be standing at the beginning and at recesses  
3           for the court and the jury. Is that correct?

4           DEFENDANT ALI: Yes.

5           THE COURT: Now, I will not sign any more orders  
6           dealing with your contempt and at the appropriate time at  
7           the end of this trial Mr. Scott will bring a motion that I  
8           not enforce those contempt citations against you.

9           And I will release you from custody of the jail  
10          and I will put a monitor on your ankle so we will know where  
11          you are at all times. Are you willing to abide by those  
12          rules?

13          DEFENDANT ALI: I will follow if you forgive me  
14          the past since I have a wrong idea.

15          THE COURT: I understand that and if you need  
16          to -- I never personally felt any animosity towards you. It  
17          is the Court's position that as an officer of this court all  
18          parties and all individuals attending court respect the  
19          court.

20          And I will certainly -- I have given an indication  
21          to Mr. Scott that if you continue to honor your commitment  
22          and stand at the appropriate times and not be disruptive in  
23          court, that he can make a motion that will allow the Court  
24          to forgive your past behavior.

25          DEFENDANT ALI: I will follow and I am going to do

1       that forever.

2               THE COURT: All right. And do you understand that  
3 we will put a bracelet on your ankle?

4               DEFENDANT ALI: No problem.

5               THE COURT: All right. Mr. Scott?

6               MR. SCOTT: Nothing further, Your Honor.

7               THE COURT: Anything for the government?

8               MR. PAULSEN: Can we cancel the research project?

9               THE COURT: Yes.

10              DEFENDANT ALI: Okay. Thank you.

11              MR. KELLY: Your Honor, does this merit an  
12 explanation to the jury if --

13              MR. SCOTT: As far as I am concerned --

14              MR. KELLY: -- the jurors --

15              MR. SCOTT: I mean, nobody has --

16              COURT REPORTER: This is not making a good record.  
17 You are talking at the same time.

18              INTERPRETER: She asked me what they are talking  
19 about.

20              THE COURT: One thing that we have to do, now that  
21 we have had this conversation together, I do need you to go  
22 to the front and I will ask you whether or not you will  
23 abide by my rules. And if you say yes, then we can --  
24 because we do have a free society and everyone has a right  
25 to know what is happening up here, because this is not

1 secret. And it's not an embarrassment to you and I will not  
2 embarrass you at all. I will have Mr. Scott ask you two or  
3 three questions and you will answer those questions and then  
4 we will be done with this matter.

5 DEFENDANT ALI: Okay.

6 THE COURT: All right?

7 DEFENDANT ALI: Thank you.

8 THE COURT: Agreeable?

9 DEFENDANT ALI: Yes.

10 THE COURT: All right.

11 **(In open court.)**

12 THE COURT: Mr. Scott.

13 MR. SCOTT: Ms. Ali, up until this morning the  
14 Court had ordered you to stand and you had not been  
15 standing; is that correct?

16 DEFENDANT ALI: Yes.

17 MR. SCOTT: And as a result of conversations that  
18 you had in open court with the Judge yesterday and thinking  
19 it over, you have now made a decision that when the jury  
20 comes in and when the Court comes in you are going to stand;  
21 is that correct?

22 DEFENDANT ALI: Yes.

23 MR. SCOTT: And you will do so for the remainder  
24 of the trial?

25 DEFENDANT ALI: Yes.



1 THE COURT: All right. Mr. Scott, at the  
2 appropriate time you will make the appropriate motions at  
3 the end of the trial dealing with the contempt citations. I  
4 will release her from the custody of the marshal after we  
5 make the appropriate arrangements, and that will be today.

6 Mrs. Ali, and you are willing to follow the  
7 conditions of your release that I will be putting on you?

8 DEFENDANT ALI: Yes.

9 THE COURT: All right. Let's get the jury out.  
10 Anything else for the government?

11 MR. PAULSEN: No. I just have to tell somebody  
12 something.

13 (Recess taken at 9:33 a.m.)

14 \* \* \* \* \*

15 (9:40 a.m.)

16 **IN OPEN COURT**

17 **(JURY PRESENT)**

18 THE COURT: Mr. Paulsen, call your first witness.

19 MR. PAULSEN: The United States calls Liban Haji  
20 Abdurahman.

21 THE COURT: Please step forward, sir.

22 (Witness sworn.)

23 THE COURT: Sir, would you state your name for the  
24 record, please.

25 THE WITNESS: Liban Haji Abdurahman.

1 THE COURT: And would you spell it for the record.

2 THE WITNESS: Liban, L-i-b, as in boy, a-n, as in  
3 Nancy. Haji, H, as in Harry, a-j, as in John, i.  
4 Abdurahman spelled A-b, as in boy, d, as in dog, u-r, as in  
5 Robert, a-h, as in Harry, m-a-n, as in Nancy.

6 THE COURT: You may inquire.

7 (Liban Abdurahman)

8 DIRECT EXAMINATION

9 BY MR. PAULSEN:

10 Q. By whom are you employed?

11 A. By the FBI.

12 Q. And what do you do for the FBI?

13 A. I am a language analyst.

14 Q. And where do you work?

15 A. I work in Washington, D.C. at headquarters, FBI  
16 headquarters.

17 Q. And under what -- when you say you're a language  
18 analyst, can you explain that a little more.

19 A. Yeah. My job is to translate document and audio from  
20 Somali into English and I also provide interpretation  
21 services when needed.

22 Q. How long have you been working for the FBI?

23 A. Five years and five months.

24 Q. And have you been doing this type of work for the FBI  
25 the entire time?

1 A. Yes.

2 Q. And are you one of the supervisors in that unit of the  
3 FBI?

4 A. No, I am not.

5 Q. What is your position?

6 A. My position, as I said, is language analyst and I am one  
7 of the linguists who work at the Language Services section  
8 of the FBI.

9 Q. Does your job entail reviewing the work of other  
10 translators?

11 A. Yeah. I have -- I am a qualified quality control  
12 reviewer within Language Services, so I review other  
13 linguists' translation, yes.

14 Q. To make sure they have done it right?

15 A. To make sure they are accurate and well written.

16 Q. I would like to get a little background on you. Were  
17 you born in Somalia?

18 A. Yes.

19 Q. And did you ever do any translation work there?

20 A. Yes. I used to work for an Italian construction company  
21 before I left the country and among my duties was  
22 interpreting for their foreign employees.

23 Q. And after that job did you take on another job in  
24 another country?

25 A. Yes. When I left Somalia I went to Sweden, where I used

1 to work as a Somali interpreter for the Swedish immigration  
2 authorities.

3 Q. And then you came to the United States in what year?

4 A. I came to the United States in 1995.

5 Q. And did you have a job between then and before going to  
6 work for the FBI?

7 A. Yeah. I was an accountant for MCI that later became  
8 Verizon.

9 Q. The telephone company?

10 A. Telephone company, yes.

11 Q. Now, in addition to English and Somali, do you speak any  
12 other languages?

13 A. As I say, I speak Swedish. Those are -- I mean, Somali,  
14 English, Italian, and Swedish are my -- the languages that I  
15 speak fluently.

16 Q. And are there some other languages where you speak it,  
17 but maybe not --

18 A. I speak a little Spanish, a little French. And since I  
19 speak Swedish, I can understand Norwegian and Danish as well  
20 because they are very similar.

21 Q. Tell us a little bit about your educational background.

22 A. Yeah. I went to Italian school. I started in Somalia,  
23 but when I was in third grade elementary school I was sent  
24 by my family to a boarding school in Italy, in Tuscany, and  
25 I completed my studies in Italy.

1 Q. Did you get a college degree in Italy?

2 A. Yeah, a B.A. in economics.

3 Q. And have you had any specialized training in the area of  
4 linguistics?

5 A. Yeah. I mean, for all the time I was working as a  
6 linguist I have been going to several linguist trainings.

7 Q. And have you received any certification from the FBI?

8 A. I have received certification from the FBI. When I  
9 started my job I had to go to initial linguist training for  
10 FBI and I got a certification. And then when I became a  
11 quality control reviewer I had to go to a specialized  
12 training and I received a certificate for that.

13 Q. When we talk about linguistics, does that mean just  
14 simply translating one word from one language into another  
15 or is there more to it than that?

16 A. Actually, the duty of an FBI linguist is more than that.  
17 My job description is language analyst. We don't do just  
18 merely translation from Somali to English, but we are expert  
19 in the culture and the country and the custom of Somalia as  
20 well.

21 Q. And have you worked on -- your involvement in this case  
22 was with respect to the wiretap that was used; is that  
23 right?

24 A. Yes.

25 Q. We'll get to that in a minute. But prior to this case

1 had you worked on any other wiretap cases involving the  
2 Somali language?

3 A. Yes.

4 Q. Any idea how many?

5 A. Many. I cannot recall the exact number right now, but  
6 that's all I do most of the time.

7 Q. Now, this unit of the FBI that you work for is called  
8 Language Services?

9 A. It's a section within the Directorate of Intelligence  
10 and it's called Language Services.

11 Q. And does that section include -- employ people who speak  
12 many different languages?

13 A. Yes. I think we have, like, probably more than 100  
14 different languages.

15 Q. Now, I want to focus with you a little bit on the Somali  
16 language because hopefully we will be getting soon to some  
17 transcripts.

18 Are there some peculiarities in Somali with  
19 respect to spelling and certain letters that do or do not  
20 appear in the Somali language?

21 A. Yes. Although the Somali language has adopted the Latin  
22 alphabet, there are some letters that are designated for  
23 certain sounds that, for example, are not in the English  
24 language.

25 Q. Can you give some examples.

1 A. For example, the sound "ha" in like Haji is designated  
2 with the letter X of the English alphabet.

3 Q. So sometimes we might see the word "Hassan" spelled  
4 beginning with an X?

5 A. With an X, yeah, that's an example.

6 And then you have like the sound "au," that's a C.  
7 Like in my last name, Abdurahman, it starts with a C. So  
8 it's like a silent letter if you want to consider it so.

9 Q. Okay. Any other particularities of the language?

10 A. I mean, the language is fundamentally different from  
11 English. So, I mean, for example, the construction of the  
12 sentence is completely different from --

13 THE COURT: Sir, you are going to have to pull  
14 that microphone a little bit closer to you.

15 THE WITNESS: (Indicating.)

16 THE COURT: Thank you.

17 THE WITNESS: As I was saying, like, for example,  
18 in English a simple sentence would be I eat breakfast. In  
19 Somali there's no order. You can put the subject in the  
20 middle or the end or the beginning. And of course the verb  
21 is the same thing. So it's very difficult especially when  
22 interpreting to render, like, you know, a simple,  
23 understandable sentence in English. So it requires a lot of  
24 knowledge to do that.

25 BY MR. PAULSEN:

1 Q. Are there different dialects in the Somali language?

2 A. There are slight differences, like regional differences,  
3 but the main difference maybe is that the Maay dialect,  
4 which is spoken in the Bay and Bakool and south Shabelle  
5 regions, is kind of a little different from the Maxaa Tiri  
6 dialect, which is spoken by most Somalis and that is  
7 considered standard Somali.

8 Q. Were there any dialect issues in this case, this  
9 wiretap, that caused any problems?

10 A. No.

11 Q. So this case did involve a court-ordered wiretap; is  
12 that right?

13 A. That's my understanding.

14 Q. And it began in about September of 2008?

15 A. I'm not sure of the date.

16 Q. What was your role with respect to the wiretap?

17 A. Actually my role started not at the beginning of this  
18 case. Practically I came in as a quality control reviewer,  
19 as I say, to review what has already been done.

20 Q. Tell us about in general how this, when a Somali wiretap  
21 is being run by the Department of Justice -- you've been  
22 involved in many of these, you said?

23 A. Yeah. I mean, I can tell you our part in the -- we come  
24 in the morning into the office and we have been assigned to  
25 a certain case or cases and we have them in the system. I



1 mean, we come in and log in and we pull our cases and we  
2 have all this audio and we listen to all of them and  
3 interpret them.

4 Q. Let me make it more general. When the Department of  
5 Justice is running a wiretap that involves speakers of  
6 Somali, what role does Language Services have with respect  
7 to running that wiretap?

8 A. Language Services have the role of monitoring these  
9 calls, translating them when necessary, but in most cases, I  
10 mean, a call could be like, you know, social in nature and  
11 then all we do is we put a comment describing what the call  
12 was about.

13 Q. So when a Somali wiretap is being run, is somebody from  
14 Language Services kind of assigned to that particular  
15 wiretap?

16 A. Yes.

17 Q. And at what level is that person? Is that you typically  
18 or someone that you review later on?

19 A. It can be me. It can be someone else who will  
20 eventually review.

21 Q. And so that -- just tell us, just give the jury an idea  
22 of how the calls come in. Once a wiretap is put on  
23 someone's phone, how physically do the calls come in?

24 A. I mean, as I say, we log into the system and the calls  
25 are in our system. I don't know the technical part of it,

1 but they are available to us for listening and translating  
2 on a daily basis.

3 Q. So the calls get downloaded into a computer?

4 A. Yeah.

5 Q. All right. And are they listened to in real time?

6 A. No. I mean, we mostly listen to -- I mean, the goal is  
7 to listen to the calls within 24 or maximum 48 hours time  
8 frame.

9 Q. So all the calls are recorded and loaded into the  
10 database?

11 A. Yes, they are loaded into the database in the evening.  
12 When we come in in the morning they are there. I mean, we  
13 try to, you know, translate them on a daily basis.  
14 Sometimes the volume is too much and we fall behind. But we  
15 never get the call, I mean, immediately while the call is  
16 happening, no.

17 Q. No one is listening in in real time, then?

18 A. No, no.

19 Q. But within a day or so, pressure of the work permitting,  
20 someone sits down and translates the calls that have come in  
21 in the last 24 hours or so?

22 A. Yes.

23 Q. And at that point is it a verbatim translation that's  
24 made or not?

25 A. As I say, most calls are -- I mean, the linguists mostly

1 write a comment describing what the call was about. And of  
2 course we have requirements that we are looking for and if  
3 we think the call is pertinent, then we write either a  
4 summary translation summarizing the call or a verbatim  
5 translation if the call is very pertinent.

6 Q. When you say "pertinent," the people that are reviewing  
7 these calls, have they been given a briefing on what the  
8 case is about and what to look for?

9 A. Yes.

10 Q. And so when they review them and they find one that's  
11 pertinent, that would mean what?

12 A. Then we will write a translation, either summary  
13 translation or verbatim translation, of the entire call.

14 Q. And that's done because "pertinent" means that the call  
15 is relevant to the investigation?

16 A. Relevant to the investigation.

17 Q. Are there times when there are calls that aren't  
18 pertinent to the investigation at all?

19 A. Yes.

20 Q. And with respect to the pertinent ones, the first thing  
21 that's written about the pertinent ones would be what  
22 typically?

23 A. It typically would be a summary about, like, the  
24 important part of the conversation.

25 Q. And so no one is trying to do a verbatim translation at

1       that point?

2       A.   No.   Initially it's mostly a summary translation.

3       Q.   And why is that?

4       A.   First is, like, time constraint.  There's no time to --

5       I mean, we have to go through a huge amount of material.

6       And secondly, it's not practically our job to know exactly

7       which one needs to be translated verbatim.

8       Q.   So if you --

9       A.   It will happen in the second stage.

10      Q.   Second stage, let's talk about the second stage.  After

11      the people listening to the calls shortly after they come in

12      have reviewed them and identified pertinent -- what they

13      think might be pertinent ones, what's the next step?

14      A.   Next step, as I say, we write a summary and the summary

15      will be available for the case agent to review.

16      Q.   And the case agents in this case were the FBI agents in

17      Rochester, Minnesota?

18      A.   Yes.

19      Q.   So you would forward that information to Mike Wilson and

20      Kevin McGrane in Rochester?

21      A.   Not personally, I don't do it personally.  The system

22      take care of the forwarding.  And of course I have contact

23      with Mr. Wilson.  I mean, if he needs clarification,

24      explanation, we are in contact.

25      Q.   So then what happens if a case is going to court, as

1 this case is in court, what happens with respect to these  
2 calls that have been identified as pertinent?

3 A. We receive -- we, as Language Services, receive an  
4 assignment to do certain numbers of verbatim translations.

5 Q. Now, how does a verbatim differ from the summaries  
6 you've described?

7 A. Because a verbatim translation is a translation of  
8 everything that is being said in the call while a summary is  
9 a summary of the linguist -- of the content of the  
10 conversation.

11 Q. Now, we've prepared books, binders, of English  
12 translations of calls. There's over 150 in this book. How  
13 many people, to your knowledge, were involved in translating  
14 those calls into the written transcripts that we have here?

15 A. Five, including me.

16 Q. And take us through the process of how these transcripts  
17 are reviewed before they are used here in court.

18 A. Okay. When we receive the assignment to do a verbatim  
19 translation, it will be released from the FBI that it will  
20 be most likely coming to court. An initial linguist is  
21 assigned to do the translation. Another linguist will do a  
22 peer review, so there is two people checking what's been  
23 said and the translation is accurate. And finally, a  
24 quality control reviewer will review the same translation a  
25 third time and make sure everything is accurate and it's a

1 good translation.

2 Q. And were you the quality control reviewer on the calls  
3 that are involved in this case?

4 A. Yes, I was.

5 Q. And did you personally review all of the calls for which  
6 we have transcripts in this binder?

7 A. Yes, I did.

8 Q. And tell us what that involved.

9 A. I don't understand the question.

10 Q. Well, did you listen to the calls?

11 A. Yes, of course. To review a translation for accuracy I  
12 have to go back and listen to the entire call with the  
13 translation provided to me and make sure that everything is  
14 accurate and everything is --

15 COURT REPORTER: You're dropping your voice a  
16 little bit.

17 THE WITNESS: I'm sorry. Yeah, I listen to the  
18 call with the provided verbatim translation and make sure  
19 it's accurate.

20 BY MR. PAULSEN:

21 Q. And with respect to the transcripts in this book here,  
22 about how many times have you listened to each call and  
23 compared the call to the contents of the transcript?

24 A. I listened to the audios and reviewed the translation  
25 three times, sometimes four for some of them.

1 Q. And based on your review and your quality control, what  
2 is your opinion about the accuracy of the translations in  
3 this binder?

4 A. To the best of my knowledge, those are an accurate  
5 translation of the audio I reviewed.

6 MR. PAULSEN: At this time, Your Honor, I would  
7 like permission to distribute the binders to the jurors.

8 THE COURT: You may.

9 MR. PAULSEN: So the record is clear, Your Honor,  
10 each one has a number on it and I don't know if the numbers  
11 will conform to the jurors' original numbers, but we will  
12 pass them out 1 through 16 so that they can take note of  
13 their number and they can always get their book back. So  
14 why don't we go 1 through 8 here and 9 through 16 in the  
15 front.

16 (Pause.)

17 MR. PAULSEN: And does the Court have copies? If  
18 not, we do have copies for the Court.

19 THE COURT: 150?

20 MR. PAULSEN: Plus a couple more in the 200s at  
21 the back.

22 THE COURT: 264. Yeah, I've got it.

23 BY MR. PAULSEN:

24 Q. Before we get into the transcripts, I want to ask you a  
25 little bit about some abbreviations that may be seen in

1       there.

2                   Occasionally there will be a sentence and then  
3       there will be a bracket and the letters "OV" will appear.  
4       What does that mean?

5       A.   "OV" stands for overlapping voices.   That's when a  
6       person is speaking and the other person speak back without  
7       waiting for the person to finish.   So you have, like,  
8       overlapping voices from both sides.

9       Q.   And similarly, sometimes there will be a bracket with  
10      "SC"?

11      A.   "SC" stands for simultaneous conversations.

12      Q.   Two people talking at the same time?

13      A.   It's practically I am on the phone talking to you and  
14      then I talk to somebody who may be standing next to me.   So  
15      I have a simultaneous conversation with somebody else while  
16      I am with you on the phone.

17      Q.   Oh.   So when someone is talking in the background to  
18      somebody --

19      A.   Yes.

20      Q.   -- rather than talking to the person on the phone?

21      A.   Right.

22      Q.   "IA"?

23      A.   "IA" stands for inaudible.

24      Q.   Just can't hear what they are saying?

25      A.   Just can't hear.



1 Q. "UI"?

2 A. "UI," unintelligible. You can hear, but you cannot make  
3 out what's being said.

4 Q. Sometimes we'll see in here that certain text is  
5 underlined. Why would that be?

6 A. The underline is to denote that a secondary language was  
7 used. In our case here it's Arabic. So underline means it  
8 was not Somali, but Arabic that was spoken.

9 Q. And it was translated into English, but you underlined  
10 it?

11 A. Underline to indicate this is a secondary language.

12 Q. And sometimes there will be a word or more in italics.

13 A. And that is a tertiary language and usually it's  
14 English. The person say the word or sentence in English.  
15 Then to indicate that we use the italic font.

16 Q. And then occasionally we will see in some of these  
17 transcripts the initials "PBUH."

18 A. That is the abbreviation for peace be upon you that a  
19 Muslim express when -- after saying the name of the Prophet  
20 Muhammad.

21 Q. Now, in the transcripts there will be names that are  
22 used. For example, there will be a transcript that says  
23 that Amina Ali is talking to, for example, Hawo Hassan.  
24 What can you tell us about the use of names in these  
25 transcripts and how those were derived?

1 A. Okay. In some cases the system will give you the phone  
2 that called in or has been called out and it will give you  
3 the name of the subscriber of that phone number. That's  
4 like the best scenario. But it doesn't always happen.  
5 Sometimes the speaker will identify the person by name, so  
6 that's another way to identify the name.

7 And, of course, with time by listening to the  
8 subject every day eight to ten hours a day for, like,  
9 months, you come to recognize the voices of the people who  
10 mostly are in those conversations.

11 Q. So did you come to recognize Amina Ali's voice?

12 A. Yes.

13 Q. And Hawo Hassan's voice?

14 A. Yes.

15 Q. And occasionally in these transcripts there will be no  
16 name, but it will say "UM" for unknown male or "UF" for  
17 unknown female. Why would that be?

18 A. That's when we don't have any way to identify the person  
19 or we are not sure 100 percent of the identity of the  
20 person.

21 Q. So in order to put the name in the transcript, you have  
22 to be 100 percent sure that that is the person, the name of  
23 the person speaking?

24 A. Yes.

25 Q. We will see in these transcripts Hawo Hassan sometimes

1 going by either the first name Hawo or Halima or Halimo.

2 Can you talk about that a little bit.

3 A. I mean, as I say -- do you mean that -- again, I'm  
4 sorry, repeat the question, please.

5 Q. Based on your review of the calls, when people talk to  
6 Hawo Hassan do they sometimes call her by the nickname  
7 Halima or Halimo?

8 A. Oh, yeah, yeah. It happens, yeah.

9 Q. We will see in these transcripts that they have the date  
10 of the call and the time of the call and the time is  
11 represented in military time. So instead of saying, you  
12 know, 2:00 p.m., it will say 14:00 to equate to 2:00 p.m.,  
13 but then it will say "UTC" following the time. What is UTC?

14 A. That's the time, Universal -- I'm not sure I remember  
15 the acronym, but it stands for the time, the Greenwich Mean  
16 Time, because that's like a common -- I mean, it's just to  
17 have it, what do you say --

18 Q. Standardized?

19 A. Standard time, yeah.

20 Q. So if we wanted to determine what time it was in  
21 Minnesota, we would have to deduct a certain number of hours  
22 from the --

23 A. Greenwich.

24 Q. -- universal Greenwich Mean Time?

25 A. Um-hmm.

1 Q. Now, there are going to be some terms that come up  
2 repeatedly in these transcripts that may relate to this case  
3 and I want to ask you about them right now.

4 Based on your expertise in this area, the term  
5 "jihad," j-i-h-a-d, what does that mean to you?

6 A. "Jihad" is an Arabic word and in Islam it means  
7 struggle. So, I mean, to me personally it means struggle in  
8 general, mostly spiritual struggle within yourself.

9 Q. And how is it used in these calls?

10 A. In these calls, to my understanding, it is used as a  
11 struggle, as a fight against an enemy. And actually that's  
12 the case in Islam too, struggle can be internal, but it can  
13 be fighting an enemy as well.

14 Q. And the term "mujahidin," m-u-j-a-h --

15 A. Mujahidin -- I'm sorry.

16 Q. Let me spell it. M-u-j-a-h-i-d-i-n.

17 A. Mujahidin, yeah.

18 Q. What does that mean?

19 A. "Mujahidin" is the fighter who is fighting for jihad.

20 Q. Does the term "al-Shabaab" come up in these transcripts  
21 that you reviewed?

22 A. Yes, it does.

23 Q. And do you know what al-Shabaab is?

24 A. "Al-Shabaab" is the Arabic word for "the youth."

25 Q. Let's talk about that. Are you aware of the

1 organization known as al-Shabaab?

2 A. Yes, I am.

3 Q. And is there -- in these calls are there more than one  
4 way that --

5 MR. SCOTT: Hold it just a minute. Electronic  
6 problem.

7 (Pause.)

8 MR. SCOTT: Okay.

9 BY MR. PAULSEN:

10 Q. In the calls that you reviewed are there more than one  
11 way in which the speakers refer to al-Shabaab?

12 A. Yes.

13 Q. Can you give us some examples.

14 A. Yeah. I mean, it can be referred, as you said, as  
15 al-Shabaab or the Somali word for al-Shabaab can be used,  
16 which is dhallinyarada. It means "the youth" as well.

17 Q. Let's take those one at a time. In the transcripts if  
18 it says in the transcript the word "al-Shabaab,"  
19 a-l-s-h-a-b-a-a-b, what does that mean the speaker said?

20 MR. SCOTT: I am going to object as to what it  
21 means the speaker said, Your Honor.

22 THE COURT: Sustained.

23 BY MR. PAULSEN:

24 Q. If it says in the transcript "al-Shabaab," what word did  
25 the speaker speak?

1 A. I mean, it's an Arabic word and translated in English  
2 means the youth.

3 Q. But if the word is in the transcript written out as  
4 al-Shabaab, is that the word that the person used,  
5 "al-Shabaab"?

6 A. Yes.

7 Q. All right. So just like I'm talking to you, al-Shabaab,  
8 you would quote them in the transcript as using the word  
9 "al-Shabaab"?

10 A. Yes.

11 Q. Now, you said there's another way of referring to  
12 al-Shabaab known as the youth?

13 A. Yes.

14 Q. And you said there's a Somali word for "the youth"?

15 A. Yes.

16 Q. And what is that word again?

17 A. Dhallinyarada.

18 Q. Can you spell that.

19 A. D-h-a-l-l-i-n-y-a-r-a-d-a.

20 Q. And what does that word mean?

21 A. "The youth" in English.

22 Q. And if that word is spoken by someone on these calls,  
23 how does that word appear in the transcript?

24 A. We translate that word -- it might be intended two  
25 different ways. It might be intended as the youth which is

1 the organization al-Shabaab or it might mean the youth as  
2 youngster, young people. So it can mean both, it can be  
3 translated in both ways.

4 Q. So it can refer to the person's age --

5 A. Yeah.

6 Q. -- or it could --

7 A. A group of people. The word itself is plural. It's,  
8 what do you call it, a collective word. So it's not single,  
9 it's not one youth, but many young men of age.

10 Q. But it can also refer to the organization al-Shabaab?

11 A. Yes.

12 Q. And was one of your jobs to go through these transcripts  
13 and determine from the context and everything else whether  
14 when that word is used it meant a reference to age or a  
15 reference to al-Shabaab?

16 A. Yes.

17 Q. And did you do that?

18 A. Yes, to the best of my knowledge.

19 Q. And have you done it again in preparation for trial?

20 A. Yes.

21 MR. PAULSEN: At this time, Your Honor, I would  
22 like to offer some calls and the accompanying transcripts  
23 that will hopefully illustrate some of the things he's been  
24 talking about. The first ones would be Exhibits 13, 35, 49,  
25 and 52.

1 MR. SCOTT: Foundation objection, Your Honor.

2 THE COURT: Sustained. Can you lay some  
3 foundation or have you stipulated to these at all?

4 MR. SCOTT: Well, this isn't -- we are missing a  
5 lot of foundation in terms of getting it in. So far we've  
6 just got transcripts. We don't have the calls. The  
7 accuracy --

8 MR. PAULSEN: Well --

9 MR. SCOTT: -- of the transcripts is not an issue,  
10 Your Honor.

11 THE COURT: Go ahead.

12 MR. PAULSEN: May I proceed?

13 THE COURT: You may. Objection overruled.  
14 Continue.

15 MR. PAULSEN: The first call we would like to play  
16 is number 13.

17 (Audio recording played.)

18 MR. PAULSEN: Wait just a second. I assume, Your  
19 Honor, the jurors should --

20 THE COURT: Yes, turn to transcript number 13,  
21 please.

22 MR. PAULSEN: I assume you are going to want them  
23 not to read ahead?

24 THE COURT: Yes. Members of the Jury, you've got  
25 a book of transcripts and it's very important that you



1 follow the transcript that we are hearing in court and not  
2 to read ahead and try to figure out things beforehand.  
3 Everything is in sequence. The way the government is going  
4 to present its case, it is going to be told to you in a  
5 certain way. I need you to follow along so there's no  
6 confusion on what is being heard and what is being  
7 translated.

8 So turn to transcript number 13 and we will hear  
9 the tape of that transcript.

10 MR. PAULSEN: May I approach to present a binder  
11 to the witness?

12 THE COURT: Yes.

13 BY MR. PAULSEN:

14 Q. According to the transcript, this call was recorded on  
15 October 13, 2008 at 22:09 UTC, that would be 10:09 p.m. UTC,  
16 and it's between Hawo Hassan, also known as Halima Hassan,  
17 and Amina Ali, correct?

18 A. Yes.

19 (Audio recording played.)

20 Q. I want to direct your attention back to page 1. The  
21 first time Halima or Hawo Hassan identified in the  
22 transcript as Halima speaks, she says, "Oh my God. Right  
23 now, Al Shabab are better. The Courts became worthless."

24 So is this an instance where because "Al Shabab"  
25 is in the transcript, that was the literal word that

1 Halima/Hawo Hassan used?

2 A. Yes.

3 Q. And the reference to "the Courts," do you know what the  
4 Courts are?

5 A. The Islamic Courts.

6 Q. What are the Islamic Courts?

7 A. The Islamic Courts are the religious Islamic Courts who  
8 at a certain point in the events taking place in Mogadishu  
9 revolted against the warlord and took control of Mogadishu  
10 first and eventually most part of south Somalia.

11 Q. Halima Hassan says, ..."Al Shabab are better. The  
12 Courts become worthless." Further down she says, "Al Shabab  
13 has stated their view and they made clear that they will  
14 fight. The problem is the Courts who keep on  
15 flip-flopping --"

16 So, again, where Hawo Hassan is quoted as saying  
17 "Al Shabab," that's the word she used --

18 A. Yes.

19 Q. -- "al-Shabaab"?

20 And then on the next page, so the record will  
21 reflect it, there is a reference at the top, Hawo Hassan  
22 tells Amina Ali that the Ethiopians were ambushed.

23 And this call October 13, 2008, is that at a time  
24 when the Ethiopian forces were in Somalia to help support  
25 the Transitional Federal Government?

1 MR. SCOTT: Objection, Your Honor, hearsay and  
2 calls for knowledge of this witness that he has not been  
3 qualified for.

4 THE COURT: Lay some foundation.

5 BY MR. PAULSEN:

6 Q. Well, you testified before that part of your job as a  
7 linguist involves not only translation, but being informed  
8 on the culture and the political situation and so forth in  
9 Somalia?

10 A. Yes.

11 Q. And are you aware of what the political situation was in  
12 terms of the fighting going on as of October of 2008?

13 A. Yes.

14 Q. Were the -- what about the Ethiopians?

15 A. As I say, the Islamic Court took control of south  
16 Somalia, but at a certain point the Transitional Federal  
17 Government was elected in a convention in Kenya and they  
18 didn't have the power to come to Somalia and do their job,  
19 so Ethiopia helped them come to Mogadishu and took control  
20 of the country by defeating the Islamic Court.

21 Q. And were the Ethiopians and the TFG opposed by  
22 al-Shabaab?

23 A. Yes. That's when al-Shabaab break off of the Islamic  
24 Courts and swear to fight the Ethiopians until they left the  
25 country.

1 Q. And so in that context when Hawo Hassan tells Amina Ali  
2 the Ethiopians were ambushed, "they were ambushed while  
3 traveling through there and several of their vehicles were  
4 destroyed," and down at the bottom she says, "seven of them  
5 were killed in a place near the livestock market and the  
6 area near the spaghetti factory where an explosion  
7 occurred," to which Amina Ali responds, "May all die and  
8 vanish," that would be a reference to?

9 A. To the fighting between al-Shabaab and the Ethiopian  
10 troops in Mogadishu, who were seen by all Somalis as  
11 invaders.

12 Q. Next one I want to draw your attention to is Exhibit 35.

13 THE COURT: All right. Turn to 35, please.

14 BY MR. PAULSEN:

15 Q. Exhibit 35 is a call on November 17, 2008 at 4:28 a.m.  
16 UTC between Amina Ali and Hawo Hassan.

17 MR. PAULSEN: Go ahead and play number 35.

18 (Audio recording played.)

19 BY MR. PAULSEN:

20 Q. All right. At the beginning Amina Ali is talking about,  
21 "When we were saying, 'Let us go door to door,'" she says,  
22 "it was worth it." And Halima/Hawo Hassan says, "May God  
23 reward you for that. But, sister, how much did you  
24 receive?"

25 Having listened to all these calls and reviewed

1       them, when they talk about going door-to-door, do you have  
2       an understanding what that involves?

3               MR. SCOTT: I am going to object. The words speak  
4       for themselves, Your Honor. They don't need expert --

5               THE COURT: Overruled.

6       BY MR. PAULSEN:

7       Q. You may answer.

8       A. Yes. They are going door-to-door raising money.

9       Q. All right. And then we go over to the top of page 2.

10      The first time Amina Ali speaks she says, "We sent \$1,000 to  
11      the Al-Shabab."

12              Again, because the word in the transcript is  
13      "Al-Shabab," is that the actual word that Amina Ali spoke?

14      A. Yes.

15      Q. She goes on to say, "We sent \$1,000 to a group of  
16      wounded in Nairobi." And then she continues, "There were  
17      young men who had mental illness, were placed in a camp, and  
18      to whom we sent six hundred."

19              Now, this phrase "young men," tell us about that.  
20      How do you interpret that?

21      A. It was the same word that was used, "dhallinyarada," but  
22      in this case it means, it was translated -- because in the  
23      context she is describing young men who had a mental  
24      illness, so in this context it's several young men, it's not  
25      al-Shabaab.

1 Q. So here "young men" would relate to age?

2 A. To age.

3 Q. Okay.

4 A. And the same word actually was used, "dhallinyarada."

5 Q. So that is an example where that same word can mean  
6 either age or something else?

7 A. Yes.

8 Q. Let's go to Number 49.

9 THE COURT: Please turn to 49.

10 BY MR. PAULSEN:

11 Q. This is a call on December 27, 2008 at 2:27 a.m. UTC  
12 between again Hawo Hassan and Amina Ali, and this is the  
13 first one we have had where there are multiple excerpts of  
14 the same call. I think when we get into this we'll see that  
15 there's one excerpt that continues over to page 3 and then  
16 that stops and then there's another excerpt that begins on  
17 page 3, goes over to page 4, and then a new one starts on  
18 page 4 and goes to page 5 and so forth. I think there are  
19 six different excerpts in this longer call; is that right?  
20 Does that appear to be right?

21 A. Yeah, I believe so.

22 Q. We'll count them as we go.

23 MR. PAULSEN: We can play Number 49.

24 (Audio recording played.)

25 BY MR. PAULSEN:

1 Q. That's just the first -- the end of the first excerpt.  
2 On the top of page 2 it says Hawo Hassan in a mimicking tone  
3 says, "'Well, I am from the government side. Man, you are  
4 Al Shabab.'"

5 Are you familiar with this call?

6 A. Yeah.

7 Q. Can you tell us what is going on here just to kind of  
8 set the context.

9 A. The context is she's describing a Paltalk session she  
10 participated in the previous night.

11 Q. You said a Paltalk session?

12 A. Yeah.

13 Q. What is that?

14 A. I guess it's -- again, it's a telephone conference where  
15 people have access to -- if they know the number and they  
16 have the PIN to access it, where people can talk and  
17 exchange views.

18 Q. All right. So what's going on on the top of page 2?

19 A. So she's describing what was said on Paltalk.

20 Q. She said somebody came on?

21 A. Somebody who was claiming to be from the government and  
22 was telling somebody else you are al-Shabaab.

23 Q. And, again, because it says, "Al Shabab," that would be  
24 the word she used?

25 A. Yes.

1 Q. Down about just past the halfway mark she says, "That is  
2 when you..." And then she says, "Oh my God -- what they  
3 sometimes put Al Shabab through! Oh my God ...". To which  
4 Amina Ali responds, "Tell them to go to hell."

5 "Al Shabab," that was the word that Hawo Hassan  
6 used there?

7 A. Yes.

8 Q. And then at the bottom Hawo Hassan is talking about four  
9 females. "-- so everyone..." She says, "'Al Shabab  
10 praying, dignity ...' *you can't imagine* how much praising  
11 they received." To which Amina Ali responds, "Go on. How  
12 wonderful!" And Hawo Hassan responds, "I talked  
13 relentlessly."

14 What's your understanding of what she's saying  
15 about al-Shabaab in that context?

16 A. I mean, in that context it appears that four females  
17 showed support to al-Shabaab and praise to al-Shabaab.  
18 That's what I understand from the conversation.

19 MR. PAULSEN: Let's go to the second excerpt.

20 (Audio recording played.)

21 BY MR. PAULSEN:

22 Q. In this one, the fifth time Hawo Hassan speaks she says,  
23 "I spoke to them last night. I spoke there the night before  
24 last. What do you think? *You can't imagine*, how well I was  
25 defending the Al Shabab men."



1 And here's where we have italics for the first  
2 time under "you can't imagine." Remind us what the italics  
3 mean again.

4 A. Yeah, English words were used.

5 Q. So this is Hawo Hassan telling Amina Ali, "*You can't*  
6 *imagine*, how well I was defending the Al Shabab men," right?

7 A. Yes.

8 Q. And, again, she used the word "Al Shabab" there?

9 A. Yes.

10 MR. PAULSEN: Go ahead and play number 3.

11 (Audio recording played.)

12 MR. PAULSEN: I don't have any questions about  
13 that one. Let's go to the fourth excerpt, which begins on  
14 page 5, about a third of the way down.

15 (Audio recording played.)

16 BY MR. PAULSEN:

17 Q. At the end of that fourth excerpt at the top of page 6  
18 Hawo Hassan says, "Some say, 'We support Hassan Dahir! Long  
19 live Al Shabab!' Every group posts something different, you  
20 know?"

21 Are you familiar with Hassan Dahir?

22 A. Yes.

23 Q. Who is -- what's his full name and who is he?

24 A. Hassan Dahir Aweys. He was the leader of -- he is the  
25 leader of another Islamic group called Hizbul Islam.

1 Q. Hizbul Islam?

2 A. Yeah.

3 MR. PAULSEN: Let's play the fifth excerpt  
4 beginning near the top of page 6.

5 (Audio recording played.)

6 BY MR. PAULSEN:

7 Q. On this one, the fourth time Hawo Hassan speaks she says  
8 to Amina Ali, referring to some other girls, "I told them to  
9 log in and not to talk about anything other than Al Shabab."

10 And is this in the context of that Paltalk  
11 conference you were talking about?

12 A. Yeah, I believe so.

13 Q. And so, again, the word she used here was "al-Shabaab"?

14 A. Yes.

15 Q. And then there's a conversation between her and Amina  
16 Ali. A few lines down Hawo says, "She prayed for the  
17 Al Shabab boys." She goes on to say, "'We are their  
18 mothers! We are contented with them!'"

19 Over on the top of page 7, the second time Hawo  
20 Hassan speaks she says, "I said, 'These are our young sons;  
21 we are their mothers. They are very young and tiny  
22 children; and yet God put our victory in their hands.'" And  
23 then at the end she says, "There you have it. Everyone  
24 defended the young boys."

25 And in this context where she refers to "young

1 boys," do you have an opinion on the meaning of the word  
2 there?

3 A. My interpretation is the young boy who fights, the  
4 fighters.

5 MR. PAULSEN: And then go to number 6. The last  
6 excerpt begins on page -- the middle of page 7.

7 (Audio recording played.)

8 BY MR. PAULSEN:

9 Q. The second time Hawo Hassan speaks she says, "-- there  
10 were a lot of Al Shabab in there and they were happy last  
11 night."

12 She used the word "al-Shabaab" and that's why it's  
13 referred to that way in the transcript?

14 A. Yes.

15 MR. PAULSEN: Now Number 52.

16 THE COURT: Please turn to 52.

17 MS. GURSTELLE: Objection, Your Honor, 802 on the  
18 words of LNU.

19 THE COURT: Overruled. Continue.

20 BY MR. PAULSEN:

21 Q. This is a call on January 11, 2009 at 3:39 p.m. UTC  
22 between Amina Ali and you have "Amina LNU." What does "LNU"  
23 stand for?

24 A. Last name unknown.

25 Q. So this is one of those times where you could not

1 positively identify the person other than by a first name?

2 A. Yes.

3 Q. And so to differentiate between Amina Ali and Amina LNU,  
4 for the unknown person you used "LNU"?

5 A. Yes.

6 MR. PAULSEN: Please play 52.

7 (Audio recording played.)

8 BY MR. PAULSEN:

9 Q. The first thing I want to direct your attention to is on  
10 page 1. The fourth time Amina Ali speaks she tells the  
11 other person, "This is Amina Adan," A-d-a-n, "sister."

12 Does Amina Ali also go by that name?

13 A. Yes.

14 Q. And then over on page 3, the unknown person in the  
15 middle of page 3 is telling Amina Ali that, "Fighting  
16 occurred in Guriceel and 20 plus of the religious youth were  
17 killed."

18 Amina responds, "Oh, my God."

19 The unknown person says, "We seek refuge to God; they  
20 were massacred."

21 Amina Ali says, "Do you mean Al Shabab? The youth?"

22 So here we have those words side by side. Can you  
23 explain when it says, "Do you mean Al Shabab?" and then  
24 question, "The youth?" Explain that.

25 A. Here both the Arabic word "Al Shabab" and the Somali

1 word "dhallinyarada" were used.

2 Q. So in this context the use of that Somali word --

3 A. For al-Shabaab.

4 Q. -- means al-Shabaab?

5 And is al-Shabaab an organization in this context?

6 A. Yeah.

7 Q. So, in your opinion, where the word "youth" appears in  
8 the transcript, should it be capitalized?

9 A. Yes.

10 MR. PAULSEN: May he have permission to make that  
11 change in the transcript, Your Honor?

12 THE COURT: What page?

13 MR. PAULSEN: On page 3, five lines up from the  
14 bottom.

15 MR. SCOTT: Your Honor, we will object to him  
16 changing the transcript. The transcript is the translation.  
17 Capitalizing is his opinion.

18 MS. GURSTELLE: We join that objection, Your  
19 Honor.

20 THE COURT: Are we talking about, "Do you mean  
21 Al Shabab? The youth?"

22 MR. PAULSEN: Yes.

23 THE COURT: It can be capitalized.

24 BY MR. PAULSEN:

25 Q. Do you have a pen with you?

1 A. Yes, I do. Do you want me to --

2 Q. Why don't you capitalize the word "youth" there and put  
3 your initials by it.

4 A. (Indicating.)

5 Q. Now, three lines above the unknown person is saying,  
6 "Fighting occurred in Guriceel and 20 plus of the  
7 religious" --

8 THE COURT: Before we go on, Members of the Jury,  
9 as you can see, translation takes many forms and everyone  
10 will have an opportunity to examine this witness to see  
11 whether or not the translation is accurate.

12 You will be the final determiners of whether or  
13 not -- what a word means. So if you feel it is not "the  
14 youth" capitalized, then it's not. It will be for you to  
15 decide. Listen carefully to the examinations of the  
16 attorneys and the explanation by the interpreters and you  
17 will have to be the final determiner because you're the  
18 finders of the fact.

19 And as the lawyers have told you, much goes into  
20 the translation of what's being given to you. So pay close  
21 attention and be very attentive to the examination of  
22 both the -- by the government and the defense counsel on  
23 these issues.

24 BY MR. PAULSEN:

25 Q. Four lines above where we just were it said -- the

1 unknown person is saying, "Fighting occurred in Guriceel and  
2 20 plus of the religious youth were killed."

3 In this context the use of the word "youth" there  
4 in your opinion refers to what?

5 A. In this context -- the same word in Somali,  
6 "dhallinyarada," was used, but in this context it mean the  
7 religious young men. That's why we used the -- not the  
8 capital, but the small case for "youth."

9 MR. PAULSEN: Now, at this time I would like to  
10 offer another batch of transcripts for the purpose of him --  
11 I don't want to play them all at this point, Your Honor,  
12 because it doesn't make sense to play them twice, but I  
13 would like to introduce them so he can go to the points in  
14 the transcripts where the word "youth" is used and give his  
15 opinion on which meaning of the word is involved there. And  
16 the transcripts I would be offering at this time are 8, 10,  
17 14, 18, 28, 42, 54, 65, 67, 70, 73, 81, 91, 103, 105, 115,  
18 122, and 146.

19 MS. GURSTELLE: Objection, Your Honor, 106. If he  
20 is going to show the transcripts to the jury, we would like  
21 the call played.

22 THE COURT: Turn on your microphone.

23 MS. GURSTELLE: Excuse me, sorry. Objection on  
24 106. If we are going to be showing these pages to the jury,  
25 we request that the calls be played.

1 MR. SCOTT: Your Honor, I object again on  
2 foundation. The tapes are not in evidence at this point and  
3 the transcripts are going in evidence without the proper  
4 foundation and apparently they now want to have the calls  
5 read and drop the originals entirely.

6 THE COURT: Well, Mr. Paulsen, the calls  
7 themselves are going to be introduced; is that correct?

8 MR. PAULSEN: Your Honor, so the record is clear,  
9 I have already introduced, for example, Government  
10 Exhibit 35. That exhibit includes both the disk with the  
11 audio on it and the English translation.

12 THE COURT: All right.

13 MR. PAULSEN: With respect to all of the exhibits  
14 I just named, those calls eventually will be played, but I  
15 don't want to have to play them twice. I would like to have  
16 this witness just go right to the part of the transcript  
17 where the word "youth" or something similar appears and  
18 indicate, for future reference, his interpretation of the  
19 meaning of that word in that context. The call will be  
20 played later through another witness.

21 THE COURT: All right. And what witness will that  
22 be? Do you know?

23 MR. PAULSEN: Probably in most cases Special Agent  
24 Mike Wilson of the FBI.

25 THE COURT: All right. Objections are overruled



1 and we will go through your presentation dealing with these  
2 with the presumption that these tapes will be played at some  
3 point during the course of the trial. And if not, then I  
4 will hear motions from counsel dealing with that issue.

5 Now, let's take our morning break. Let's take a  
6 15-minute break. All rise.

7 (Jury excused.)

8 **IN OPEN COURT**

9 **(JURY NOT PRESENT)**

10 THE COURT: Mrs. Ali, because I am going to be  
11 releasing you, you don't have to go back down to the holding  
12 area. You can -- if you promise to stay on this floor and  
13 in this building and be back here at the appropriate times  
14 until we get the appropriate equipment for your release.  
15 Are you willing to do that?

16 DEFENDANT ALI: Okay.

17 THE COURT: So, Marshals, you don't have to take  
18 her down. She can -- she will reappear in 15 minutes.

19 (Recess taken at 11:03 a.m.)

20 \* \* \* \* \*

21 (11:27 a.m.)

22 **IN OPEN COURT**

23 **(JURY PRESENT)**

24 THE COURT: Continue.

25 BY MR. PAULSEN:

1 Q. Before we go back to the transcripts, a couple of  
2 particularities of the Somali alphabet I wanted to highlight  
3 that we didn't cover before.

4 Is there a "C" followed by a slash that's involved  
5 in the alphabet?

6 A. Yeah, in certain cases when the name includes the name  
7 Abdi and something else and it's very long. Like in my  
8 case, Abdurahman, it's usually shortened like C/rahman for  
9 Abdurahman.

10 Q. So "C" and a slash just means Abdi, A-b-d-i?

11 A. Yeah.

12 THE COURT: Excuse me for a second. Members of  
13 the Jury, when we go through these transcripts and you have  
14 your book, you have your individual book, you can make notes  
15 if you want.

16 BY MR. PAULSEN:

17 Q. And is it common for people to shorten, say, the name  
18 Abdurahman to C/rahman?

19 A. Yes, very common.

20 Q. Are some words sometimes spelled slightly differently?  
21 Like your middle name Haji, could that have different  
22 spellings?

23 A. Yes.

24 Q. What would that be due to?

25 A. The reason can be traced to Somali is -- before Somali

1 was written, we're educated either in English or Italian or  
2 Arabic. So, as you understand, the name Haji is spelled  
3 differently if you spell it in Italian or if you spell it in  
4 English.

5 Q. What would the variation be?

6 A. For example, I speak Italian and I used to spell my name  
7 H-a-g-i. In Italian "Haji" is spelled that way. But in  
8 English it wouldn't be "Hagi," "Haji" is spelled H-a-j-i.

9 Q. And is there sometimes the use of double vowels?

10 A. That's another very common difference that you can see  
11 in Somali writings. That's because Somali has something  
12 called long vowel. That's just applied by using the same  
13 vowel twice, like double a, double o.

14 Q. Can you give an example.

15 A. For example, as I just say, the Somali dialect Maay, it  
16 has a double a. It's just a long vowel. So sometimes  
17 people who are not highly educated might not spell correctly  
18 and just use one "a" instead of two.

19 Q. Now, turning to those exhibits that I just offered --

20 MR. PAULSEN: And, Your Honor, I am going to  
21 withdraw 54 and 73.

22 BY MR. PAULSEN:

23 Q. The first one we want to look at just for purposes of  
24 focusing on the meaning of the word "youth" at this time is  
25 Number 8.

1           If we go to page 4, at the top of page 4 -- this  
2       is a call, by the way, between Hawo Hassan and Amina Ali on  
3       October 9, 2008. At the top of page 4 Amina is saying to  
4       Hawo Hassan, "Sister, slacking off is not an option. The  
5       people said ... First they said to me, 'Convey our regards  
6       to the young men.'"

7           Do you have an opinion on the meaning of "young  
8       men" in this context?

9       A. In this context it is the Youth, the group known as  
10      al-Shabaab.

11      Q. Okay. We are going to go through these quickly because  
12      these calls will be played through another witness later on.

13           I want to jump to Number 10, Exhibit 10, a call on  
14      October 12th between Hassan Afgoye, also known as Abu Ayman,  
15      and Amina Ali. And just to kind of set the stage here, do  
16      you know who Hassan Afgoye was?

17      A. Yes, I do.

18      Q. Who is he?

19      A. He is one of al-Shabaab leaders.

20      Q. And if we go in Exhibit 10 to page 6 -- to kind of set  
21      the stage here, is this a call relating to a clothing  
22      shipment that Amina Ali was sending over to Somalia?

23      A. Yes.

24      Q. And near the bottom of page 6, the last time Amina Ali  
25      speaks on the bottom of page 6 she says, "Yes, God willing.

1 So I will tell those people not to unpack the garments  
2 before that group comes. So you, the youth, take a share as  
3 a collective group."

4 In this context what's your opinion of the meaning  
5 of the word "the youth"?

6 A. In this context it means al-Shabaab.

7 Q. Can you take your pen and capitalize it and put your  
8 initials.

9 A. (Indicating.)

10 Q. And she is addressing Hassan Afgoye when she says, "So  
11 you, the youth, take a share," of the clothing, "as a  
12 collective group," correct?

13 A. Yes.

14 Q. Let's go to Number 11, which is a call between Amina Ali  
15 and Bashir Gelle Farah on October 13, 2008. I just want to  
16 go right over to page 5. There's several references to "the  
17 youth" on page 5, or two references.

18 The first one is about a third of the way down.  
19 It would be the fourth time Amina Ali speaks on page 5. She  
20 says, "I also informed the youth that they must take  
21 pictures of the garments they take."

22 What's your opinion of the meaning of the word  
23 "the youth" here?

24 A. The organization known as al-Shabaab.

25 Q. And then when she speaks one, two, three times later she

1 says, "They... in other words... The youth should come  
2 united as one group and take half."

3 Your opinion?

4 A. Again it means the organization al-Shabaab.

5 Q. Would you make the capitalization on that one two times.

6 A. Yeah. (Indicating.)

7 Q. In the same transcript over on page 7, right in the  
8 middle of page 7 Amina says, "Yes. So they should come  
9 and -- eh -- this group -- eh -- the youth --"

10 In this context?

11 A. Just a second, please.

12 (Pause.)

13 A. Yeah, the group al-Shabaab again.

14 Q. Make that capitalization.

15 A. (Indicating.)

16 Q. Then on page 8, at the top of page 8, the second time  
17 Bashir speaks he says, "At this time, the youth themselves  
18 are actually large in number. We currently work with some  
19 men who belong to the youth. These men work on the website,  
20 Al Khahaib and are also in charge of pictures related work.  
21 So we will tell them. We are planning to tell them to  
22 create a committee that represents them; we will then ask  
23 them to whom from the youth we should hand it over."

24 Your opinion of the meaning of the word "youth"  
25 here?

1 A. Yes, meant as the group al-Shabaab again.

2 Q. Okay. Please make those capitalizations.

3 A. (Indicating.)

4 Q. And then finally, on the top of page 9 Bashir says --  
5 and he's talking to Amina Ali. He says, "No, we currently  
6 tasked Amina, you know? The purpose is to avert any quarrel  
7 between them and the youth."

8 Your opinion of the meaning of the word "youth"  
9 here?

10 A. Which page, please?

11 Q. Top of page 9.

12 A. Okay. Again it's the organization known as al-Shabaab.

13 Q. Okay.

14 A. (Indicating.)

15 Q. Then we go to Exhibit 14, a call on October 14, 2008  
16 between Amina Ali and Abshir Ba'dle. On page 2, the second  
17 time Amina Ali speaks she says, "And God willing, I will  
18 tell the youth. It occurred to me that the men in the  
19 jungle should have the jackets and the large shoes. That is  
20 why we included them in there."

21 Your opinion of the meaning of the word "youth"  
22 here?

23 A. It's intended as the organization al-Shabaab again.

24 Q. Okay. If you would make that adjustment.

25 A. (Indicating.)

1 Q. And then if you go to Number 18, which is a call between  
2 Ise Mohamed Hersi, also known as Isse Kamboni, and Amina  
3 Ali, if we go over to page 4, just below the halfway point  
4 Amina first says, "Hum" and then the next time she speaks  
5 she says, "Actually, another sheikh is scheduled for  
6 tonight. I don't know whether -- the young and you have  
7 united; isn't that true?"

8 Isse Kamboni says, "We and who?"

9 And Amina says, "The young." And asks, "Or... are you  
10 separate entities?"

11 Isse responds that, "There was never a total  
12 unification. But there was an agreement to jointly  
13 administer Kismayo soon after we jointly captured that  
14 city."

15 What's your opinion of the meaning of the word  
16 "the young" in this context?

17 A. In this context it's intended as the organization  
18 al-Shabaab. The Youth, it should be the Youth.

19 Q. Can you make that change in the two places.

20 A. (Indicating.)

21 Q. Then over on the top of page 5, the second time Isse  
22 Kamboni speaks he asks Amina Ali, "Are you referring to the  
23 Alshabab brothers?"

24 And there he would have used the word  
25 "al-Shabaab"?



1 A. What page, please? I'm sorry.

2 Q. I'm sorry. The top of page 5, the second time Isse  
3 Kamboni speaks he says, "Are you referring to the Alshabab  
4 brothers?"

5 A. Um-hmm.

6 Q. Because the word "Alshabab" is there, that's the word he  
7 used?

8 A. Yes.

9 Q. All right. And if we go down near the bottom of the  
10 page, the second to the last time Isse Kamboni speaks he  
11 says, "We are also currently negotiating to create a  
12 complete merger between us, the Kambooni group, and them,  
13 the young guys."

14 In this context how do you interpret "the young  
15 guys"?

16 A. In this context I would interpret it the al-Shabaab  
17 organization again.

18 Q. Can you indicate that.

19 A. (Indicating.)

20 Q. Then we go over to page 7. At the bottom of page 7, the  
21 last time Amina Ali speaks on that page she's talking  
22 about -- she says, "First, may God make it easy. Unless I  
23 organize the lecture another day, there have not been any  
24 lectures for the last two months or so. Anyway, a man who  
25 is a member of the youth, is scheduled for tonight"...

1 In this context how do you interpret the use of  
2 the word "the youth"?

3 A. I interpret it as the organization al-Shabaab again.  
4 (Indicating.)

5 Q. Go to Number 28. This is a call on November 5, 2008  
6 between Hassan Afgoye, also known as Abu Ayman, and Amina  
7 Ali. And if we go to page 10, just above the middle Amina  
8 Ali says, "Yes, it can be said so, but the people he  
9 collected the money from want roads to be built"...

10 I am going to skip down a little bit to where we  
11 get to the reference to "the young men." She says,  
12 "Besides, this man supports the jihad and always says,  
13 'Those Young men...' he was contacted many times by people  
14 and he tells them, 'Those youth are the ones that are  
15 hungry, and stand for the sake of God, so they should be  
16 helped.'"

17 The next time she speaks she says, "He said, 'The  
18 men who are facing the bullets are the youth, the Islamic  
19 courts are right, but the youth are the ones that are facing  
20 the bullets.'"

21 And then two times later when she speaks she again  
22 references "the youth."

23 What's your opinion about the meaning of the word  
24 "the youth" and/or "the young men" used in this exchange?

25 A. In all these cases you mention I believe it's intended

1 as the organization the Youth, meaning al-Shabaab.

2 Q. Okay. Can you so indicate on the transcript.

3 A. (Indicating.)

4 Q. If we go to page 42 -- or Exhibit 42, a call on  
5 December 7, 2008 between Amina Ali and Hawo-Kiin Hassan  
6 Raage.

7 A. Which number, please?

8 Q. Exhibit 42.

9 A. 42.

10 Q. On page 2, the third time Amina Ali speaks she says,  
11 "Okay *sister*, tell him also -- *sister*, tell him also about  
12 the \$300 that is being sent from Canada. It is money  
13 that -- I mean, uhm -- it is money that belongs to -- that  
14 belongs to the youth."

15 What's your opinion of the meaning of this one?

16 A. The meaning and my interpretation is "the youth" is the  
17 organization al-Shabaab.

18 Q. If you would so indicate on the transcript.

19 A. (Indicating.)

20 Q. Then we go to Number 65, Exhibit 65. This is a call on  
21 January 31, 2009 between Amina Ali and Barre Ahmed Abdi. On  
22 page 3, right at the midpoint Amina Ali says, "So, who will  
23 assist you with the distribution? Who is working with you?"

24 Barre says, "The regional brothers."

25 Ali says, "Who do those regional brothers belong to?"

1 Barre says, "They are our group, the mujahidin."

2 Amina says, "What? Are they mixed or are they the youth  
3 only."

4 Barre says, "They are the youth."

5 What's your opinion here?

6 A. In both cases my interpretation is "the youth" is the  
7 organization al-Shabaab.

8 Q. Would you so indicate on the transcript.

9 A. (Indicating.)

10 Q. Exhibit 67 is the next one, a call on February 4, 2009  
11 between Amina Ali and Hawo Hassan. If you go over to  
12 page 2, just below the midpoint on page 2 Amina says, "While  
13 that was their name in the old days, Hassan Turki joined the  
14 youth. Do you hear me?"

15 Hawo Hassan says, "H-uhm."

16 Amina Ali says, "When he joined the youth others also  
17 joined the agreement of the youth, but they posed a  
18 difficult request and said, 'We don't want the name  
19 Al-Shabab.'"

20 What's your opinion here?

21 A. Apparently they are speaking about "the youth" meaning  
22 the organization al-Shabaab.

23 Q. And then on the next page, page 3 --

24 A. Just give me one second, please.

25 Q. Yes.

1 A. (Indicating.)

2 Q. The third time Amina Ali speaks on page 3 she says, "The  
3 Ras Kambooni name that you heard refers to both the youth  
4 and the Ras Kambooni groups." To which Hawo Hassan says,  
5 "Sister, I know they are united."

6 And then down at the bottom of the page, the last  
7 time Amina Ali speaks she says, "Well, that is it then! Ras  
8 Kambooni is comprised of the youth and other groups that had  
9 previously united." Hawo Hassan says, "Okay. That is what  
10 we want."

11 What's your opinion here?

12 A. Yeah, in both cases it's meant the group al-Shabaab.

13 Q. If you could so indicate.

14 A. (Indicating.)

15 Q. Exhibit 70 is a call on February 7, 2009 between Amina  
16 Ali and Hawo Hassan which starts off with a conversation  
17 about, "That guy, Sharif was bombarded today in Mogadishu."  
18 And a few lines later Hawo Hassan says, "He was bombarded  
19 inside the Presidential Palace."

20 Do you know who Sharif is?

21 A. The president of the Transitional Federal Government at  
22 the present time, yeah.

23 Q. And was there, in fact, a bombing of the presidential  
24 palace about this time to your knowledge?

25 A. Yes. I read it in the Somali website and in the news

1 about Somali events.

2 Q. Over on page 2, halfway down Amina Ali says, "People who  
3 initially believed these people, the youth, were hard  
4 headed."

5 What's your interpretation of the meaning of "the  
6 youth" in this context?

7 A. My interpretation is "the youth" is the organization  
8 al-Shabaab.

9 Q. Please so indicate on the transcript.

10 A. (Indicating.)

11 Q. Next one is 81. Exhibit 81 is a call on February 16,  
12 2009 between Amina Ali and Hassan Afgoye.

13 A. Excuse me. Give me a minute, please --

14 Q. Yes.

15 A. -- to get the other binder. I don't have an 81.

16 Q. You have two binders while the rest of us have one.

17 A. Yeah. Oh, it's on the --

18 Q. I think we are upside down maybe.

19 A. I got it. Thank you. Continue, please.

20 Q. Exhibit 81 on page 4, quickly, the first time Amina Ali  
21 speaks in about the middle of that paragraph, fourth line of  
22 her paragraph she says, ..."these people have convinced  
23 themselves that the youth have pulled back from the rest and  
24 isolated themselves."

25 In the context of the entire call, which you have

1 reviewed, what's your opinion of the meaning of the word  
2 "youth" there?

3 A. In my opinion she is referring to the organization  
4 al-Shabaab.

5 Q. If you would so indicate on the transcript.

6 A. (Indicating.)

7 Q. Next one is Exhibit 91, a call on February 25, 2009  
8 between Hassan Afgoye and Amina Ali in which the word may be  
9 used in a different context. Let's see.

10 On page 2, the fourth time Hassan Afgoye speaks he  
11 says, "Yesterday there was a big fight. The men from Asmara  
12 who call themselves Hizbul Islam started a large fight and  
13 then our men joined in. Afterwards the young men, who had  
14 been misled into siding with Sharif, after witnessing the  
15 Burundian bombardment said, 'We will side with our  
16 brothers.'"

17 That phrase "young men" that Hassan Afgoye uses  
18 there, what's your view there?

19 A. In my view is age related, meaning young men, younger  
20 men.

21 Q. So you don't make any change there, right?

22 A. No.

23 Q. Okay. Go to 103, a call on March 12, 2009 between Amina  
24 Ali and Hassan Afgoye. If we go to page 6 -- we have to  
25 start at the bottom of page 5. Amina Ali says, "I will use

1 the names of Shamsa Ali Ahmed and Maryan Muuse, okay? Don't  
2 be surprised if our financial relationship stops; just  
3 understand the reason. In these days, what is going on in  
4 America is -- they reached a stage -- they have reached a  
5 stage where they ask people, 'Are you on Sharif's side? Do  
6 you know any representative for the youth?'"

7 In this context what's your interpretation of her  
8 use of the word "the youth"?

9 A. My interpretation in this context is the group the  
10 Youth, a/k/a al-Shabaab. (Indicating.)

11 Q. Next one is Exhibit 105, a call on March 18, 2009 again  
12 between Amina Ali and Hassan Afgoye. If we could go to  
13 page 5, at the top -- Amina Ali says at the top of page 5,  
14 "It is said it was all over and that he said, 'You support  
15 the youth so get out and closed the place.'" She goes on to  
16 say, "He supports Sharif and they said 'the youth are on the  
17 right path.' They broke away and created their own place."

18 What's your opinion in this context?

19 A. "The youth" is meant as the group al-Shabaab.

20 Q. If you would make that notation on the transcript.

21 A. (Indicating.)

22 Q. Then we go to 115, which is a call on April 3, 2009  
23 between Amina Ali and Hawo Hassan. If we go to page 2,  
24 right in the middle Amina Ali is saying to Hawo Hassan, "We  
25 are with the youth."



1 Hawo Hassan says, "Okay."

2 Amina Ali says, "Do you understand? The reason I am  
3 paying for all this expenses and I am conferencing this  
4 people is to let the people understand the truth."

5 Hawo Hassan, "Okay."

6 Amina Ali, "And there is no other reason that we side  
7 with the youth."

8 In your opinion, what is the meaning of the word  
9 "the youth" here?

10 A. In both cases my opinion is that she's referring to the  
11 group al-Shabaab.

12 Q. If you would make that notation, please.

13 A. (Indicating.)

14 Q. Only two more. If you go to 122, it's a call on  
15 April 19, 2009 between Amina Ali and Mo'alin Burhan and on  
16 page 1 at the bottom -- well, just kind of set the stage  
17 here. Is this man going to be a guest lecturer for one of  
18 Amina Ali's teleconferences?

19 A. Yeah, I believe so, if I remember correctly.

20 Q. All right. And at the bottom Amina says to  
21 Mr. Burhan -- well, the second to the last time she speaks  
22 she says, ..."you know, while you are pretending to be, you  
23 know... eh... while pretending that you are not one of them  
24 -- since they are the enemy and there are many, who are the  
25 enemy, in the conference line -- do you understand?"

1 Burhan says, "Very much so."

2 Amina Ali says, "That means, you are not going to state  
3 that you belong to the youth. But, you will state that you  
4 are a Muslim brother and that the people, who belong to the  
5 youth or Hizbul-Islam, stand for justice. You will talk  
6 about how good they are and how they help the people. You  
7 will also talk about what makes the other people wrong --  
8 anyway, something along that line."

9 In this context where she's instructing Burhan not  
10 to state that he belongs to the youth, what is your  
11 interpretation of the meaning of the word "youth"?

12 A. My interpretation is that she mean the group al-Shabaab  
13 in both cases.

14 Q. If you could so indicate on the transcript.

15 A. (Indicating.)

16 Q. And finally, Number 146, a call on July 2, 2009 between  
17 Amina Ali and Hassan Afgoye. If we go first to page 5, at  
18 the bottom of page 5, the last time Amina Ali speaks, "Do  
19 you understand? These are strange people. We have never  
20 seen anything like this. We have never seen this type of  
21 people. All of them, young or old, be it those who belong  
22 to my clan and those who don't -- they all share the same  
23 understanding. They say, 'Do you see this woman? She  
24 belongs to the youth. She is the one...'"

25 What's your interpretation of her use of the word

1 "the youth" here?

2 A. "The youth" here is meant as the organization  
3 al-Shabaab.

4 Q. If you would so indicate.

5 A. (Indicating.)

6 Q. And the final one is on the top of page 7. Amina Ali --  
7 it carries over from the bottom of page 6. Amina Ali is  
8 speaking and, to get right to it, in the fourth line she  
9 says, "We have been collecting for them ever since. Later  
10 on we received word and we were told that these young men  
11 should be isolated. Do you understand? We said to them,  
12 'There won't be any isolating so get out of here. We don't  
13 accept it.'"

14 In your opinion, what is her use of the word "the  
15 young men" there referring to?

16 A. In my opinion, it's referring to the group the Youth,  
17 al-Shabaab.

18 Q. If you would so indicate on the transcript.

19 A. (Indicating.)

20 MR. PAULSEN: No further questions.

21 THE COURT: Mr. Scott.

22 MR. SCOTT: Thank you, Your Honor.

23 **CROSS EXAMINATION**

24 BY MR. SCOTT:

25 Q. Mr. Abdurahman, you said that you have been working for

1 the FBI for about five years and five months now?

2 A. Yes.

3 Q. So you started, then, in 2006 or 2005?

4 A. 2005.

5 Q. 2005?

6 A. Yeah.

7 Q. And the wiretap conversations that we're talking about  
8 here took place in 2008 and 2009. So you had been at the  
9 FBI about three years at that point?

10 A. Yeah, sounds right.

11 Q. And you said that you went through some training when  
12 you first started at the FBI, linguist training to get a  
13 certification?

14 A. Yes.

15 Q. So you actually started translating for the FBI, then,  
16 late 2005?

17 A. And mid 2005.

18 Q. Now, let me go backwards just a little bit because I was  
19 working my way through your background.

20 You were born in Somalia and you were raised in  
21 Somalia until sometime in grade school?

22 A. Yeah, third grade, elementary school.

23 Q. And then you went to Italy?

24 A. A boarding school.

25 Q. And you finished grade school and high school, then, in

1 Italy?

2 A. High school, yes, and university.

3 Q. And then you went to the university after high school in  
4 Italy?

5 A. Yeah.

6 Q. So --

7 A. I'm sorry. I started university in Italy.

8 Q. And so you returned, then, back to Somalia as an adult?

9 A. Yeah.

10 Q. And you worked in Somalia, you said, for an Italian  
11 construction company for some time period?

12 A. That's correct.

13 Q. About how long did you work for that Italian  
14 construction company?

15 A. Ten years.

16 Q. Ten years. And that was in Somalia?

17 A. Yes.

18 Q. And give us an idea when that ten-year period covered.

19 A. 1980 to late 1989. About ten years, not exactly ten  
20 years.

21 Q. So you then left Somalia and went to Sweden before the  
22 civil war resulted --

23 A. When the --

24 Q. -- and the fall of the Barre government?

25 A. Yes.

1 Q. And then you lived in Sweden for some time period as a  
2 Somali interpreter?

3 A. That's correct.

4 Q. And you came to the United States in 1995. During that  
5 time period did you -- from late 1989 to 1995 did you travel  
6 back and forth to Somalia on a regular basis?

7 A. No, I never traveled to Somalia since I left.

8 Q. So that basically you have not been in Somalia since  
9 1989?

10 A. That's correct.

11 Q. You were explaining to us that the Somali language has  
12 basically a fundamentally different syntax from the English  
13 language?

14 A. Yeah.

15 Q. So that the English language generally runs subject,  
16 verb, object?

17 A. Yes.

18 Q. And in the Somali language that's not necessarily so?

19 A. The order of the word in the sentence doesn't matter.

20 Q. And just like in Latin -- if you take Latin, the verb is  
21 at the end and the subject and the object are in the middle  
22 of the sentence. In Somali the subject, the verb, and the  
23 object can be in a different order?

24 A. In any place in the sentence.

25 Q. So when you're translating from the Somali language to

1 the English language, you are not just translating the  
2 words, you're changing them and putting them in an order  
3 that would fit in English?

4 A. Yes, of course.

5 Q. Otherwise you might sound like Yoda talking in English?

6 A. Exactly. Let me just tell you the best practice for a  
7 good linguist is that the translation for a reader shouldn't  
8 even like -- shouldn't know that this has been translated  
9 from a foreign language. That's the goal of a linguist.

10 Q. So that you're making certain changes in interpretation  
11 so that you are trying to get the meaning of the words  
12 through rather than their order?

13 A. That is not correct because you are not making changes  
14 in the interpretation of the meaning. You are conveying the  
15 same meaning in another language.

16 Q. So it's the same meaning even if the words are not in  
17 the same order?

18 A. Exactly.

19 Q. And I take it as well if there is slang that you're  
20 familiar with that means something different than what the  
21 words are, will you translate, then, the slang into a  
22 meaning -- words in English that provides the same meaning  
23 even if it's different words?

24 A. Not in a verbatim translation, but you would point out  
25 that slang has been used, that it might mean something else.

1 Q. And that's when you catch the slang. Given your age,  
2 what teenagers are talking about now you would not  
3 necessarily recognize; would that be a fair statement?

4 A. Yeah.

5 Q. Now, you said that your job now is to translate  
6 wiretaps -- take the word "wiretaps" out -- translate  
7 conversations from Somali to English?

8 A. Exactly.

9 Q. And many of those come from wiretaps?

10 A. Possibly, yes.

11 Q. You get the conversations on the computer?

12 A. Yes.

13 Q. And so you log in and here's a set of conversations,  
14 correct?

15 A. Correct.

16 Q. And you know when you log in that you're logging into a  
17 particular investigation?

18 A. Exactly.

19 Q. And you don't actually -- you are not actually involved  
20 in gathering the conversations in the first place, are you?

21 A. No, I'm not involved in collecting the information, no.

22 Q. So that the conversations can be coming in from  
23 Los Angeles on one case, Minneapolis on another case, and  
24 Paris on the third case, right?

25 A. Yes.



1 Q. You're also telling us that you don't get them in real  
2 time, you get a batch in when you come into the office in  
3 the morning and you work on that batch?

4 A. That's correct.

5 Q. And when you first get them, this batch of calls,  
6 somebody, it could be you that day, it could be somebody  
7 else, but somebody reads -- or listens to them for the first  
8 time and basically jots down a general description of the  
9 type of call it is?

10 A. Pretty much so.

11 Q. You know, Haji called the pizza parlor and ordered a  
12 pizza, that's the summary you would have?

13 A. Yeah.

14 Q. And then whoever got that the first time would then ship  
15 those summaries over to the FBI agents who were running --  
16 or intercepting the calls, correct?

17 A. Yeah.

18 Q. They decide which ones they want you to actually  
19 translate into English?

20 A. It's in part true. But we know what the investigation  
21 is about in general, so sometimes we can decide to write  
22 more on the session even before forwarding it to the agent.  
23 And in other cases the agent will come back and say I want  
24 to know more about this.

25 Q. So, in other words, sometimes you'll translate part of

1 it when you send that first summary to the agent?

2 A. Yes.

3 Q. Now, when you get trained about a particular  
4 investigation, explain to me the training that you get for  
5 that particular investigation. In other words, do you sit  
6 down prior to looking through a particular batch of calls  
7 and get briefed in advance by the agents as to what type of  
8 case it is and what you should be looking for?

9 A. I mean, in most cases that's the way it goes, we sit  
10 with the agent and talk about the investigation and what the  
11 investigation is about. But then in other cases it doesn't  
12 happen face-to-face, basically it might happen on the phone  
13 or on an e-mail.

14 Q. Now, you said that you identified the names that you put  
15 on the transcripts, that you identified them in some cases  
16 because the person identified themselves?

17 A. Or Amina Ali --

18 Q. Identified the person?

19 A. -- identify them sometimes.

20 Q. And sometimes you identified the calls because they were  
21 a subscriber telephone?

22 A. When the calls are domestic, then the system might give  
23 us the phone number involved in the call and, of course, the  
24 subscriber of that call.

25 Q. So the analysis -- I am just going to take a

1 hypothetical here for just a moment. But if what you get is  
2 somebody is talking to a person named Mary at telephone  
3 number 2176 and the FBI agent comes back and says that  
4 telephone goes to the residence of Bill and Mary Smith, then  
5 you will at least at the start identify that Mary is likely  
6 Mary Smith?

7 A. Yeah, but we have to be sure that it's really Mary Smith  
8 and not another Mary. So what happens is we -- I mean, the  
9 linguist working the case listen to hundreds, sometimes  
10 thousands, of conversation. So practically the linguist  
11 gets to know the people who call, like, often, on a regular  
12 basis, and that's how the linguist is sure about the  
13 identity of the person, because you recognize the voice and  
14 the phone number can relate it to -- that person is the same  
15 and that's the subscriber of the number usually.

16 So, I mean, it's not one time or two times or a  
17 guess, you know, just this number, the subscriber is Mary,  
18 the person talking say she's Mary, that's not only it. So  
19 we have to make certain it is really this Mary who is on the  
20 phone. Otherwise we use "UF," unidentified female. We have  
21 to be 100 percent sure before we write a name in our  
22 translations.

23 Q. But you don't go and look up that subscriber  
24 information, someone else does that for you; is that right?

25 A. If the system doesn't automatically show us, then it's

1 the agent who find the information.

2 Q. So the identification is a combination of the agents  
3 giving you information and then you listening to the calls?

4 A. It's mostly about me listening to the call for three  
5 months eight or ten hours a day, hundreds of thousands of  
6 calls, and at the end I know the voices like --

7 Q. Well, you didn't necessarily listen to all of these  
8 calls for hundreds of thousands of hours, it was divided  
9 among five people; isn't that right?

10 A. This particular -- no, but I listen to all of them since  
11 I reviewed all of them for accuracy.

12 Q. You reviewed --

13 A. All of them.

14 Q. -- the calls that are in evidence here?

15 A. Yes.

16 Q. Not all of the rest of the calls?

17 A. And many others, yeah.

18 Q. Now, do you use -- any time that we read in the  
19 transcript the word "al-Shabaab," that's the actual word  
20 that we would hear in the call, correct?

21 A. Correct.

22 Q. So we could hear, you know, d-d-d-d-d, al-Shabaab,  
23 d-d-d-d, like that, if we were listening really closely,  
24 correct?

25 A. That's correct.

1 Q. Okay. Now, you said that the word -- or at least one of  
2 the words that you identified that refers to the youth is  
3 the word, and I am not going to be able to pronounce it  
4 correctly, but "dhallinyarada," whatever?

5 A. Dhallinyarada.

6 Q. Dhallinyarada.

7 A. That in Somali means the youth.

8 Q. And "the youth" is a generic term and it includes boys  
9 or young men, young women?

10 A. It's exactly what English translated word means, the  
11 youth.

12 Q. And it is a generic word just like it is in English,  
13 "youth"?

14 A. Exactly.

15 Q. And when you lived -- when you were a youth in Somalia,  
16 it didn't mean you were al-Shabaab?

17 A. Again --

18 Q. When you were in second grade you were --

19 A. Again --

20 Q. -- you were a dhallinyarada, right?

21 A. I'm sorry?

22 Q. When you were in second grade you were a dhallinyarada,  
23 that word, you were a youth?

24 A. Yes.

25 Q. Or part of the youth?

1 A. (Nodding.)

2 Q. Now, I've noticed there's the word "young men." That's  
3 a different word in Somali?

4 A. No. It's the same.

5 Q. So why would you translate "young men" differently in  
6 your tapes if the same word is being used?

7 A. As I say, several linguists corroborated in this  
8 translation and that sometimes there is style differences in  
9 how they translate a certain word.

10 Q. So it's dhallinyarada maybe when we see the word "youth"  
11 -- and I am butchering the word -- and it's dhallinyarada  
12 and sometimes we see "young men," it's dhallinyarada and  
13 sometimes we see it translated as "young guys"?

14 A. Yeah.

15 Q. And that's just the style of the person who was doing  
16 the verbatim transcript into English?

17 A. Correct.

18 Q. Now, what you were writing and what the jurors were  
19 writing in there, those are spots where you were taking that  
20 word "dhallinyarada" and you were saying that word as I read  
21 it, I think they're talking about al-Shabaab even though  
22 they didn't use the word "al-Shabaab"?

23 A. They use the Somali word for al-Shabaab.

24 Q. They use the Somali word --

25 A. For al-Shabaab.

1 Q. -- for youth?

2 A. The youth.

3 Q. "Young men," "young guys," a generic term, which you  
4 have interpreted -- I don't want to get into too much of a  
5 problem with you, but is that word -- like the word in  
6 English "youth" or like the word in English "young men" or  
7 like the word in English "young guys" doesn't translate to  
8 al-Shabaab except in context, right?

9 A. In our translation we didn't translate "dhallinyarada"  
10 to "al-Shabaab" in English. We translated it to "the youth"  
11 with a capital Y.

12 Q. But when you --

13 A. In that context that word meant to us that they were  
14 talking about an organization called the Youth and not young  
15 people, young men in general.

16 Q. In your --

17 A. In my interpretation.

18 Q. In your interpretation of what it meant?

19 A. And the context of the sentence.

20 Q. See, now we're working our way through it. In other  
21 words, what we're working our way through here is it is your  
22 opinion that when they were using the word "youth" here or  
23 "young guys" here or "young men," that they meant the same  
24 as the word "al-Shabaab"?

25 A. Excuse me, but it's not my opinion. It's like, you

1 know, when you use the word in the context -- it can have  
2 two meaning. The context will lead you to what the speaker  
3 of the sentence means when he uses that word.

4 Because the word "al-Shabaab" in Arabic is the  
5 same thing, it means the youth, but we know that in Somali  
6 this movement is called the dhallinyarada. That's a fact.  
7 That's not my opinion.

8 Q. It's not your opinion?

9 A. It's not my opinion.

10 Q. Because --

11 A. Because --

12 Q. -- you read it that way?

13 A. Because it's called Xarakada Dhallinyarada Mujahidin.  
14 This is the name of the organization in Somali.

15 Q. The organizational name in Somali, if you look it up in  
16 Somali on the website it will come out "dhallinyarada"?

17 A. Yes.

18 Q. They will literally write that word in there?

19 A. Yes.

20 Q. They will write in the Army of Despair; isn't that  
21 another name they write in?

22 A. Not to my knowledge.

23 Q. Now, in Exhibit 49, and you don't have to turn to it,  
24 you were reading the words about the religious men?

25 A. Yeah.



1 Q. And in that particular call the religious men, were they  
2 the Youth, were they al-Shabaab?

3 A. May I take a look at the --

4 Q. Sure.

5 A. -- translation, please?

6 You say 46?

7 Q. Wait a minute. 49.

8 A. What was the page, please?

9 Q. I can't tell you because I'm working from the earlier  
10 one, but I would guess it's page 3.

11 A. Yeah, page 3.

12 Q. It says, "It is full of religious men. There are  
13 several hundred religious men in there."

14 A. It says, "some who want the religious men." Yes, I see  
15 that. And what was your question?

16 Q. When we talk about religious men there, you're saying  
17 that is not al-Shabaab, correct?

18 A. Because they didn't use the word "dhallinyarada."

19 Q. Okay.

20 A. They used the word for religious man, which is  
21 different.

22 THE COURT: All right. Let's stop here. We'll  
23 recess until 1:45, 1:45. All rise for the jury.

24 (Jury excused.)

25

**IN OPEN COURT**

**(JURY NOT PRESENT)**

THE COURT: Mr. Scott, will you have your client come forward. Would you have your client come to the podium.

MR. SCOTT: Sure.

THE COURT: We have the probation officer here with the monitoring equipment. And do we have the order for me to sign?

THE CLERK: Yep. I'll go grab it.

THE COURT: Once we get this taken care of, she will be immediately released from the care of the marshals. So she doesn't have to go back down unless she's got some -- does she have anything of personal effects?

MR. SCOTT: I will have to ask her, Your Honor. I know that her purse and things like that were left behind on Monday.

THE COURT: All right. The condition -- she's been on release. Those conditions are put back in place plus the additional condition that she participate in global positioning satellite location monitoring and abide by its requirements as the United States Probation and Pretrial Services Office or supervising officer instructs. Is she willing to do that?

DEFENDANT ALI: Yes.

1 THE COURT: All right. We will recess until 1:45.  
2 She can go with the probation officer to a private location.

3 My understanding the prayers are at 1:10; is that  
4 right?

5 MR. KELLY: 1:10 are the prayers?

6 MR. SCOTT: Middle of the day, yes.

7 THE COURT: 1:10?

8 MS. GURSTELLE: Your Honor, I believe it's as  
9 close to 1:00 or after 1:00 as possible.

10 THE COURT: After 1:00. And then again after  
11 4:00?

12 MS. GURSTELLE: 4:30, Your Honor.

13 THE COURT: All right.

14 (Lunch recess taken at 12:28 p.m.)

15 \* \* \* \* \*

16 (1:54 p.m.)

17 **IN OPEN COURT**

18 **(JURY PRESENT)**

19 THE COURT: Continue with the examination.

20 MR. SCOTT: Thank you, Your Honor.

21 BY MR. SCOTT:

22 Q. Do you have your transcript books in front of you?

23 A. Yes, sir.

24 Q. Let's go back -- I think I was at 49, before we  
25 digressed a little there, talking about religious men. Why

1 don't you open 49. The term is used several times in that  
2 conversation.

3 Why don't you just go to -- I think the top of  
4 page 3 or right near the top of page 3 there's a remark, "It  
5 is full of religious men. There are several hundred  
6 religious men in there." Do you see that?

7 A. Yes, I do.

8 Q. And the underlying word for religious men, do you know  
9 what that was, the Somali word for it?

10 A. Wuadada. Wuadada.

11 Q. Can you just spell it. I mean, I am going to  
12 mispronounce it anyway, but can you --

13 A. W-u-a-d-a-d-a.

14 Q. And that translates to religious men?

15 A. Exactly.

16 Q. Now let's flip forward a couple of calls -- it's another  
17 call that you have already identified -- to the call which  
18 is Exhibit 52 and that's a January 11th call and I think --  
19 I have to figure out exactly because I'm working from an  
20 earlier draft here, but I would guess somewhere near the end  
21 of page 3 or halfway down page 3 there's the words,  
22 "Fighting occurred in Guriceel and 20 plus of the religious  
23 youth were killed."

24 A. Yeah, I see that.

25 Q. Do you -- now, in this case instead of "religious men"

1 it says "religious youth." Do you know what the words were  
2 that were used there?

3 A. I can't honestly remember that. I'd have to re-listen  
4 to that passage.

5 Q. And you're not sure when you look at that whether the  
6 word "youth" there was meant to be al-Shabaab people or not  
7 al-Shabaab people by looking at that sentence; would that be  
8 fair to say?

9 A. Just by looking at the document I can't tell.

10 Q. But the word that might have been used there for  
11 "religious youth" might well have been the same "wudadada"?

12 A. That's what I think, but I'm not sure unless I listen to  
13 it.

14 Q. You are going to have to, I think, shift books because I  
15 have to shift books. I've got the two volumes. You want to  
16 shift to, I think -- where I am going next is 91 and 91 is a  
17 call dated February 25, 2009.

18 A. Yeah, I have it.

19 Q. And on page 2 of that call -- this is a line that you  
20 had identified on direct examination -- there's a statement  
21 from Hassan saying, "Yesterday there was a big fight."

22 A. Uh-huh.

23 Q. "The men from Asmara who call themselves Hizbul Islam  
24 started a large fight"... Do you see that line?

25 A. Yes, I do.

1 Q. And on direct examination -- wait a minute. There's a  
2 sentence right at the end that says, "Afterwards, the young  
3 men, who had been misled into siding with Sharif --" Do you  
4 see that?

5 A. Yes, I do.

6 Q. And on direct examination you said that you were not to  
7 capitalize that because they were not speaking of  
8 al-Shabaab, correct?

9 A. I mean the word "dhallinyarada" they used in this  
10 context in my view refers to age related, young people.

11 Q. So they used the same word?

12 A. The word is the same.

13 Q. But in context, as you were reading it, you said I don't  
14 think that refers to al-Shabaab?

15 A. As an organization.

16 Q. So you were reading through it and they are obviously  
17 talking about people who were siding with Sharif?

18 A. Yeah.

19 Q. And al-Shabaab at that time did not side with Sharif?

20 A. Exactly.

21 Q. Go back a couple years they did, right, when he was the  
22 head of the Islamic Courts?

23 A. When the Islamic Court --

24 Q. Then they were siding with --

25 A. -- had the power in Mogadishu, yes, they were part of

1 the Islamic Court, yes.

2 Q. So, again, it's how you read it in context, not  
3 necessarily the word, correct?

4 A. Correct.

5 Q. Now, let me just shift -- you're in that second book, so  
6 stay there. Let me shift to 115, which is another one that  
7 you identified language on direct. And I think about  
8 halfway down on page 2 of that call -- and that's a call  
9 between Amina Ali and Hawo Mohamed Hassan and about halfway  
10 down that page is the part the prosecutor was talking to you  
11 about on direct which starts with, "Sister! Do you want me  
12 to tell you the truth?" Do you see that?

13 A. I do.

14 Q. And that's my client, Amina Ali, talking there?

15 A. Amina --

16 Q. "Amina" is Amina Ali?

17 A. Yes.

18 Q. And then she says, "We are with the youth."

19 A. Yes.

20 Q. And you said you believe in this case when she used that  
21 word, whatever it is, that she was talking about al-Shabaab?

22 A. The organization al-Shabaab, yes.

23 Q. And then she said -- I'll take out the "Okay," but she  
24 said, (As read) "The reason I am paying for all these  
25 expenses and I am conferencing these people is to let the

1 people understand the truth." Yes?

2 A. Yeah.

3 Q. And then she says, "And there is no other reason that we  
4 side with the youth."

5 A. Yes.

6 Q. So in context you're saying that she's talking about why  
7 she's siding with al-Shabaab is because they speak the  
8 truth?

9 A. Yes.

10 Q. And she says right after that, (As read) "It isn't  
11 because they now allied themselves with *Hizbul Islam*. But  
12 it is only to what is counter to the religion of Islam."  
13 That's what she's saying?

14 A. That's what she's saying, yes.

15 MR. SCOTT: I have no further questions.

16 MS. GURSTELLE: Your Honor, we have just a few  
17 brief questions for Defendant Hassan for clarification.

18 INTERPRETER: Your Honor, I can't hear.

19 THE COURT: You can't hear the attorney?

20 INTERPRETER: I could not hear counsel.

21 MR. SCOTT: You weren't loud enough.

22 MR. KELLY: Is the mike still on?

23 THE COURT: It's on. I heard her. Speak again so  
24 they can hear you.

25 MS. GURSTELLE: Can you hear me now?



1 INTERPRETER: Yes.

2 MS. GURSTELLE: Sorry about that.

3 THE COURT: Thank you, Counsel.

4 **CROSS EXAMINATION**

5 BY MS. GURSTELLE:

6 Q. Now, you said that you began working at the FBI in 2005?

7 A. Yes.

8 Q. And since you have been hired you have been working on  
9 the Somali wiretaps?

10 A. Most of the time.

11 Q. And I think on direct what you said was that was all I  
12 do, the majority of your work is the Somali wiretaps?

13 A. Most of my work, but I work as well with other  
14 languages.

15 Q. So the majority of the work that you do, then, with the  
16 FBI is to work with investigating agents and build these  
17 cases based on Somali wiretaps?

18 A. That's correct.

19 Q. To prepare them so that the U.S. Attorneys can prosecute  
20 them?

21 A. I mean, in certain cases, but -- I mean, I work with the  
22 Somali cases and then if they at the end get prosecuted or  
23 not, I don't know most of the time.

24 Q. Mr. Paulsen went through some terms that show up  
25 numerous times on the transcripts and you talked about those

1 terms having direct translations and then what those mean in  
2 context, in different contexts.

3 One of the words you talked about was "jihad" and  
4 you said that that was defined as struggle or it translated  
5 to struggle?

6 A. (Nodding.)

7 Q. Now, that can be an external struggle in general and  
8 that can also be an internal struggle; isn't that correct?

9 A. That's correct.

10 Q. So a person in Somali could use that word to refer to  
11 their own struggle with their faith or with God?

12 A. I guess every Muslim can use the word in that sense.

13 Q. The other -- one of the other words you talked about was  
14 "mujahidin"?

15 A. Mooj-ah-heh-deen [phonetic], you mean?

16 Q. Mujahidin?

17 A. Um-hmm.

18 Q. I believe you said that translated to a fighter for the  
19 jihad?

20 A. Exactly.

21 Q. So would it be correct to say that's a fighter in the  
22 struggle or for the struggle?

23 A. I mean, mujahidin is a fighter in a war and fighting,  
24 real physical fighting.

25 Q. But "jihad" doesn't necessarily mean physical fighting?

1 A. Not all the time, no. It can be spiritual. It can be  
2 [indiscernible].

3 Q. So if --

4 COURT REPORTER: I'm sorry. I didn't hear the  
5 last part of the answer.

6 THE WITNESS: It can be like a struggle within  
7 one's self, you know, spiritual struggle, because, as you  
8 know, like, you are always tempted between good and evil and  
9 you have to choose. That's what I mean when I say it's a  
10 spiritual struggle within a person, a believer.

11 BY MS. GURSTELLE:

12 Q. So if this translates to a fighter for jihad, then isn't  
13 that saying a fighter for the struggle and that that fighter  
14 could also be in an internal struggle?

15 A. No. In that case it's a fighter in a war, in a jihad  
16 meant as a war, a wage for religious reason.

17 Q. Okay. So both Mr. Paulsen and Mr. Scott went through  
18 some of the transcripts with you where we were looking at  
19 times where "the youth" was used to refer to al-Shabaab and,  
20 as you said, that's because you need to determine what they  
21 were referring to based on the usage in that conversation.  
22 I think you said you were making those judgment calls while  
23 you were translating to the best of your ability?

24 A. That's correct.

25 Q. Same as what you are doing in court today when

1 Mr. Paulsen asks you to tell us what your opinion is whether  
2 that was the youth age or the Youth al-Shabaab?

3 A. Exactly.

4 Q. And that's the same as the word in these transcripts  
5 that shows up "courts," because we're in a court today and  
6 in some cases in the transcripts "courts" is capitalized  
7 because it's referring to the Islamic Courts, which is an  
8 organization?

9 A. That's correct.

10 Q. Okay. In both -- in the instance with "courts" and with  
11 the instance with "youth," in the case of "youth," that's  
12 just based on the usage, the context of that word in the  
13 conversation?

14 A. That's right.

15 Q. I have put Exhibit 13 -- the first page of Exhibit 13 on  
16 the overhead here. Can you see that on the projector? This  
17 is a call that Mr. Paulsen played and it says at the top  
18 here, it says the date, the time, and then it says,  
19 "Duration: 00:23:00." So this call that you listened to is  
20 23 minutes long?

21 A. It appears so.

22 Q. Well, we have just one page and I think a back page as  
23 well of that transcribed. So it's only a short portion of  
24 that call that's in the transcripts that we've introduced in  
25 evidence here; is that correct?

1 A. That's correct.

2 Q. So the remainder of the call we don't have, the main  
3 portion of the call isn't transcribed here?

4 A. Is that a question?

5 Q. Yes.

6 A. Yeah, of course. It appears so.

7 Q. And you would have decided what portion of the call was  
8 pertinent to transcribe?

9 A. No, not me.

10 Q. No?

11 A. No.

12 Q. It would have been the agents?

13 A. The case agent will decide which portion should be  
14 translated verbatim.

15 Q. So the agents would pick what should be transcribed and  
16 then the prosecutors here would decide what they wanted to  
17 introduce?

18 A. I think so.

19 Q. So it's not the entire call?

20 A. No, apparently it's not.

21 Q. This is Exhibit 35 that we played earlier and that call  
22 was over 34 minutes long?

23 A. That's correct.

24 Q. This is Exhibit 49 and you can see at the top there it  
25 looks like this call was 26 minutes and 42 seconds long?

1 A. Yeah, I can see that.

2 Q. So the agents would have told you what from that time  
3 period they wanted you to transcribe?

4 A. That's correct.

5 Q. The last tape we listened to was 52. That was a  
6 17-minute conversation and, again, the government chose  
7 which portions of that call to transcribe?

8 A. That's correct.

9 Q. I would like to go back briefly to Exhibit 49. Now,  
10 when you told us about the calls, you told us a little bit  
11 about who was being referred to as the ICU, the Islamic  
12 Courts Union, and that they were ousted from Mogadishu by  
13 the Transitional Federal Government. We went through this  
14 portion of 49 and Mr. Paulsen asked you about who the  
15 speakers were referring to when they were using "youth" in  
16 this call, I believe.

17 Down in the middle of this call there is a  
18 statement by Halima, which is I believe a nickname you said  
19 for my client, Hawo Hassan, where she says, ..."when he is  
20 fighting, when he is firing the bullet -- he is at a  
21 frontline -- and he is firing the artillery at the  
22 non-Muslim in front of him --" Do you see that?

23 A. Not yet.

24 THE COURT: Exhibit Number 49?

25 MS. GURSTELLE: And it's page 4 of that exhibit.

1 THE WITNESS: Oh, page 4. Yeah, I see it.

2 BY MS. GURSTELLE:

3 Q. Now, based on your knowledge of the investigation and  
4 what the parties were talking about, can you tell us who  
5 non-Muslim -- what group that's referring to?

6 A. The Ethiopian troops, I believe.

7 Q. And I believe on direct you said that the Ethiopian  
8 troops were seen by all Somalians as invaders, I think that  
9 was a statement you made?

10 A. Yes, I did.

11 COURT REPORTER: Judge, one of the jurors didn't  
12 hear.

13 THE COURT: I'm sorry.

14 A JUROR: I didn't hear the last thing that he had  
15 said about the non-Muslims, what that meant.

16 THE WITNESS: The Ethiopian troops.

17 A JUROR: Thank you.

18 MS. GURSTELLE: No further questions.

19 THE COURT: Mr. Paulsen.

20 **REDIRECT EXAMINATION**

21 BY MR. PAULSEN:

22 Q. Mr. Scott talked about a previous version of the  
23 transcripts that was given to the defense counsel in this  
24 case. In that previous version was the word "youth"  
25 capitalized when you thought it meant the organization?

1 A. Yes, it was.

2 Q. And then my office when preparing for trial for legal  
3 reasons had to make it lower case, right?

4 A. Yes.

5 Q. So that's why we went through them one by one today with  
6 you to give your opinion to the jury so that they can decide  
7 whether it should be capitalized or lower case?

8 A. That's correct.

9 Q. But originally when you did proof the transcripts, you  
10 had "youth" capitalized when it meant the organization?

11 A. Yeah, it was capitalized when it was meant to the group.

12 Q. Okay. And to be clear now, when al-Shabaab  
13 themselves -- people in al-Shabaab refer to themselves, what  
14 words do they use to describe themselves?

15 A. They use both the name in Arabic, "al-Shabaab," and the  
16 Somali name, "dhallinyarada."

17 Q. So the head of al-Shabaab might use that "d" word to  
18 describe the name of his organization?

19 A. That's correct.

20 MR. PAULSEN: And at this time I would like to  
21 offer Government Exhibit 271, the FTO designation.

22 MR. SCOTT: I am not going to object, Your Honor.  
23 I think it's a self-authenticating document.

24 MS. GURSTELLE: No objection.

25 THE COURT: Be admitted.



1 BY MR. PAULSEN:

2 Q. What I am putting on the screen is Government  
3 Exhibit 271, which is a notice in the Federal Register dated  
4 February 26, 2008, and this is the document that the State  
5 Department put out, United States State Department  
6 represented by then Secretary of State Condoleezza Rice,  
7 designating al-Shabaab as a foreign terrorist organization.

8 And if we can zoom in on the names that are used  
9 to denote, we see that in this notice it's In the Matter of  
10 the Designation of al-Shabaab, also known as al-Shabab,  
11 spelled a little bit differently, a/k/a Shabaab, a/k/a the  
12 Youth.

13 Now, that word there, "the youth," in Somali what  
14 would that word be?

15 A. Dhallinyarada.

16 Q. That "d" word we've talked about?

17 A. Yes.

18 Q. And then it goes on to say, "a/k/a Mujahidin Al-Shabaab  
19 Movement, also known as Mujahideen Youth Movement, also  
20 known as Mujahidin Youth Movement, also known as" -- there  
21 "mujahidin" was spelled two different ways -- "also known as  
22 MYM, also known as Harakat Shabab al-Mujahidin, also known  
23 as Hizbul Shabaab, also known as Hisb'ul Shabaab," spelled a  
24 different way, "also known as al-Shabaab al-Islamiya, also  
25 known as Youth Wing, also known as al-Shabaab al-Islaam,

1 also known as al-Shabaab al-Jihaad, also known as the Unity  
2 of Islamic Youth." And it says that this group known by all  
3 these names is being designated as a foreign terrorist  
4 organization pursuant to U.S. law.

5 And when we talk about needing to look at the  
6 context of words, if I had two children born on the same day  
7 they would be twins, right?

8 A. Right.

9 Q. Minnesota has a baseball team called the Minnesota  
10 Twins, right?

11 A. I don't know. I didn't know that.

12 (Laughter.)

13 BY MR. PAULSEN:

14 Q. Okay. Look at juror number 8 there or 9 there and maybe  
15 you will have a tip-off. But the point is to know whether I  
16 am referring to children born on the same day or to a  
17 baseball team, you would need to look at the context?

18 A. Exactly.

19 Q. All right. And that's what you did in determining the  
20 meaning of "youth," is you looked at the context?

21 A. Yes, because that's my job. I mean, I am not just a  
22 translator. I am language analyst.

23 Q. So to go back to Exhibit 52 real quick here, on page 3  
24 in the middle where it says, "Fighting occurred in Guriceel  
25 and 20 plus of the religious youth were killed," you would

1 want to read that in context, right?

2 Because it goes on to say, "Oh, my God." And then  
3 it says, "We seek refuge to God; they were massacred." And  
4 Amina Ali asks, "Do you mean AlShabab? The youth?" And the  
5 unknown person says, "Yes?"

6 So if you read that in context, does that help  
7 inform you of the meaning of the words "religious youth" up  
8 above?

9 A. Yes, it does.

10 Q. Now, if we go back to -- on this issue of mujahidin,  
11 let's go back to Exhibit 8 because I believe it is used  
12 maybe for the first time in the binder in Exhibit 8. Let's  
13 start at the bottom of page 2. Again, this is a  
14 conversation on October 9, 2008 between the two defendants  
15 in this case, Amina Ali and Hawo Hassan.

16 At the bottom of page 2 Amina says to Hawo Hassan,  
17 "I am telling you specifically to ready yourself and stand  
18 up for the mujahidin, because you have slacked off when it  
19 comes to the mujahidin."

20 Hawo Hassan responds, "Sister, I swear to God, I have  
21 not slacked off."

22 But Amina says, "Yes."

23 And then Hawo says, "I swear to God these men do not  
24 allow it in their *line*; don't let them deceive you,  
25 sweetie."

1 And Amina Ali says, "Yes. I want to tell you to speak  
2 up; speak up in the *line*. You should speak up, Halima --"

3 And she says, "I am ready to do it in your *line*."

4 And then if we jump down just a few places right  
5 to the midpoint where Amina says to Hawo, "Who has the  
6 priority? Let the civilians die. Sister, let the civilians  
7 die. The mujahidin should be supported. If the mujahidin  
8 are supported," and then the sentence runs out.

9 In this context -- well, first of all, there's a  
10 reference to "a line" in there. Do you know what the line  
11 is?

12 A. It's a conference call where many people log in and  
13 participate in a conversation or listen to a lecture.

14 Q. And are some of those conference calls translated and in  
15 this book?

16 A. Yes.

17 Q. And you've reviewed those calls?

18 A. Yes, I did.

19 Q. And are there during those teleconferences speakers who  
20 come on and after which there are pledges collected, money  
21 raised?

22 A. That's correct.

23 Q. All right. So in this context where we're talking about  
24 the mujahidin that need to be supported through  
25 teleconferences in the line, do you have an opinion on what

1 Hawo Hassan and Amina Ali are talking about?

2 MS. GURSTELLE: Objection, 106. I don't believe  
3 this call has been played.

4 THE COURT: Go ahead. Overruled.

5 BY MR. PAULSEN:

6 Q. Do you have an opinion on the meaning of "mujahidin" in  
7 this context?

8 A. Repeat the question, please.

9 Q. Where it is said here at the top of page 3, "...ready  
10 yourself and stand up for the mujahidin, because you have  
11 slacked off" and later on where it says, "Let the civilians  
12 die, the mujahidin should be supported," do you have an  
13 opinion on what entity or entities they're talking about  
14 here?

15 A. Yes, I have an opinion.

16 Q. What would that opinion be?

17 A. Al-Shabaab who are fighting against the nonbelievers or  
18 against the apostate.

19 Q. You just used a word, "apostate," a-p-o-s-t-a-t-e.  
20 That's an English word, "apostate." What does --

21 A. And when --

22 Q. Wait. Does that word come up in these transcripts?  
23 Maybe we haven't gotten to them yet, but will that come up?

24 A. Yes, it will come up.

25 Q. And do Amina and Hawo Hassan use the word "apostate"?

A. Yes, they do.

Q. And in what context do they use it?

A. When they refer to the government troops or anybody who supports them.

Q. And for those who may not know, what does "apostate" mean, what's the meaning of the word?

A. "Apostate" means a Muslim who sides with non-Muslim.

Q. So it's a nonbeliever in a way?

A. I don't know. I think --

Q. Okay. It's a Muslim who sides with non-Muslims?

A. Yeah. But if you ask my opinion, a Muslim is a Muslim.

Q. But when they use it, they are referring to a Muslim who sides with the non-Muslims?

A. Yes.

Q. And are the Ethiopians non-Muslims?

A. The Ethiopians are non-Muslims.

MR. PAULSEN: No further questions.

**RECROSS EXAMINATION**

BY MR. SCOTT:

Q. I was going through my notes, and this is actually not responsive to your cross [sic], but it has to do with how you filled out italics and underlining.

I see at least one, and I know it's in several spots throughout here, in which you have remarks that are both underlined and italic.

1 A. Could you please point --

2 Q. Why don't -- it's not in evidence, but so you can  
3 refresh yourself, just look at Number 1.

4 A. I mean, I can explain it without looking, but --

5 Q. I mean, it --

6 A. This is -- usually when we do a transcript we have a  
7 code page that explain all these different points, style and  
8 everything.

9 So what we do is we use the regular font for the  
10 primary language, which in this case is Somali. When we  
11 translate Somali to English we use the regular font. For  
12 secondary language, in our case mostly Arabic, we use  
13 underline.

14 Q. Right.

15 A. The tertiary language -- within our case, again, it's  
16 mostly English -- we use italics.

17 Q. And then when it's underlined and --

18 A. Fourth, yes, and so on.

19 Q. Because it looks -- I mean, just curiosity because I saw  
20 it almost always when it looked like someone was quoting  
21 from the Quran or from some saying.

22 A. There is probably -- I don't know now, but it's a fourth  
23 language involved in it.

24 Q. Why don't you --

25 A. Underline and italics denotes one more language.

1 Q. Why don't you just flip over to 1.

2 MR. PAULSEN: Just the witness?

3 MR. SCOTT: Yes.

4 BY MR. SCOTT:

5 Q. Flip over to Exhibit 1, not the jurors, just you,  
6 because it's not in evidence yet, just so that you can  
7 explain the term to me.

8 MR. PAULSEN: What page?

9 MR. SCOTT: It starts right out with it, literally  
10 the first line.

11 BY MR. SCOTT:

12 Q. And you can see as you work your way through the  
13 conversation that on numerous occasions through there it is  
14 both underlined and it is italicized. Can you tell just  
15 from looking at that what the original language was?

16 A. No, I can't without listening to the audio.

17 Q. Okay. Because I just don't believe it could be in  
18 English.

19 A. This --

20 Q. It looks like they're quoting from the Quran and it  
21 looks like --

22 A. It looks like, I agree with you.

23 Q. Okay. A side issue.

24 Now, the prosecutor brought up that I'm working  
25 from an earlier version, because I don't want to transfer



1 all my notes over to the ones we just got, and in some of  
2 those you had capitalized "youth," but you removed it. You  
3 put it back in, correct, now today you put it back in?

4 A. Yes.

5 Q. Now, today you testified that "young guys" -- in several  
6 spots you identified the word "young guys" and you said  
7 that's underneath all the same word, da-ha --

8 A. Dhallinyarada.

9 Q. Yeah. But that wasn't capitalized in your earlier  
10 versions, was it, "young guys" has never been capitalized in  
11 any of your versions?

12 A. I can't tell right now.

13 Q. Okay. In Exhibit 14 -- and like I said, I have the  
14 earlier version, but I think it should be either at the end  
15 of page 1 or the start of page 2. It's a long soliloquy  
16 from Amina Ali that looks to me -- I'm peering over the  
17 prosecutor's shoulder -- that it's, right, that it is the  
18 second soliloquy on page 2 that starts, "And God willing, I  
19 will tell the youth." Do you see that?

20 A. Yes, I do.

21 Q. Okay. And you testified that that should be  
22 capitalized?

23 A. Yes.

24 Q. It might have even been almost the first one you  
25 mentioned. When you prepared your last version of that

1 call, did you capitalize "youth"?

2 A. Which version?

3 Q. The last version before this one, before the one that  
4 was prepared for the trial.

5 A. I mean, there have been so many, I cannot recall each  
6 one of them.

7 Q. Would it refresh your recollection if I showed it to  
8 you?

9 A. Maybe.

10 Q. Okay. Showing you a three-page document, does it  
11 refresh your recollection as to whether or not you  
12 capitalized "youth" in the earlier version of this --

13 A. It appears I didn't.

14 Q. -- verbatim transcript?

15 A. It looks like I didn't.

16 Q. Okay. Does that refresh your recollection, then, that  
17 you did not?

18 A. Yes, it does.

19 MR. SCOTT: No further questions.

20 **RECROSS EXAMINATION**

21 BY MS. GURSTELLE:

22 Q. The Somali language is an old language; isn't that  
23 correct?

24 A. I think so.

25 Q. In your expertise do you know when the language

1 became -- started to be used in Somalia?

2 A. No, I don't.

3 Q. But it's old?

4 A. It's old.

5 Q. Do you know when the language was written down?

6 A. In 1972.

7 Q. And that's pretty recent?

8 A. Yes, because prior to 1972 Somali was not a written  
9 language, it didn't have an alphabet.

10 Q. Are there some limitations to using the Somali language  
11 in a country like America where we might have things that  
12 they don't commonly have in Somalia, like escalators and  
13 modern buildings?

14 A. I guess like every other language, all these new terms,  
15 scientific terms, technology terms, they usually -- I mean,  
16 in my experience they use the English word kind of -- what  
17 do you call it? -- just the English word used in that  
18 language kind of distorted, you know. And that's not only  
19 for Somali language. As I say, for any language.

20 Q. And that might be why we would see some places a word  
21 said in English in these transcripts? You said that that  
22 was maybe the third language used sometimes.

23 A. No, but this we just talk about refers more to, like,  
24 new technology, scientific terms. But usually for Somalis  
25 in the U.S. it's kind of like -- it's more common maybe with

1 the younger people, but everybody now and then use the word  
2 in plain English while talking in Somalian.

3 Q. In a couple of the exhibits we talked about this morning  
4 there was mention of the Paltalk and the conference line.

5 Now, it's not uncommon for people to use a conference line?

6 A. I guess so. I never used it. I don't know how common  
7 it is. I don't know.

8 Q. Well, and it's not specific to Somalian people, I mean,  
9 teenagers use conference lines online and people connect  
10 over the Internet, that's not uncommon?

11 A. That explains it. I'm not a teenager.

12 (Laughter.)

13 Q. Do you know if it's common for people in the Somali  
14 immigrant population to use conference lines?

15 A. During -- like in my line of work I actually found out  
16 that Somalis use that form of communication a lot.

17 Q. And for a variety of reasons --

18 A. Yes.

19 Q. -- to talk about events, to talk about -- to stay in  
20 touch with family that might be far away?

21 And there's nothing per se illegal about using a  
22 conference line?

23 A. I guess not.

24 MS. GURSTELLE: No further questions.

25 THE COURT: Sir, you may step down.

1 MR. PAULSEN: I --

2 THE COURT: We could go all day.

3 MR. PAULSEN: I didn't have any.

4 THE COURT: Sir, you may step down.

5 Call your next witness, please.

6 MR. WARD: The government calls Matt Bryden.

7 (Witness sworn.)

8 MR. WARD: Good afternoon, Mr. Bryden.

9 THE COURT: Excuse me. Good afternoon, sir.

10 Would you state your true and correct name for the record.

11 THE WITNESS: Matthew David Bryden.

12 THE COURT: Would you spell it.

13 THE WITNESS: M-a-t-t-h-e-w --

14 THE COURT: You may inquire.

15 MR. WARD: Thank you, Your Honor.

16 (Matthew Bryden)

17 DIRECT EXAMINATION

18 BY MR. WARD:

19 Q. As a preliminary matter, Mr. Bryden, can you confirm for  
20 me that the monitor is on in front of you.

21 A. Yes, the monitor is on.

22 Q. Thank you. Mr. Bryden, can you tell the ladies and  
23 gentlemen of the jury where it is you work.

24 A. I work at the United Nations Somalia-Eritrea Monitoring  
25 Group.

1 Q. And what does the Somalia-Eritrea Monitoring Group do?

2 A. It's a sanctions monitoring team and we report to the  
3 Security Council on various violations of resolutions that  
4 the Security Council has established on Somalia, violations  
5 of the arms embargo, threats to peace and security,  
6 obstruction of humanitarian assistance, certain types of  
7 human rights violations, and the use of Shabaab-controlled  
8 ports.

9 Q. And when you say "Shabaab-controlled ports," can you  
10 explain what that means.

11 A. Those are ports in southern Somalia, Kismayo, Merca,  
12 Brava, which are under the control of Shabaab authorities.

13 Q. When you say "Shabaab," are you referring to the foreign  
14 terrorist organization al-Shabaab?

15 A. I am.

16 Q. And how long have you worked for the Somalia-Eritrea  
17 Monitoring Group?

18 A. Since 2008.

19 Q. And what's your position with the group itself?

20 A. I am the coordinator, but I also serve as the regional  
21 specialist.

22 Q. And what does the regional specialist do?

23 A. I'm supposed to bring the knowledge of the region of the  
24 Horn of Africa to the group, to know the history, the  
25 background, the politics, the dynamics.

1 Q. And as the coordinator, are you overall in charge of the  
2 monitoring group?

3 A. Yes, I am.

4 Q. And can you describe for the ladies and gentlemen of the  
5 jury how it is the monitoring group does its work.

6 A. We are a team of eight. We have two arms experts, one  
7 of whom is focusing on armed groups, one on weapons and  
8 ammunition; we have two transportation specialists, one on  
9 aviation, one on maritime transportation; two finance  
10 experts, who look at financial flows in support of embargo  
11 violations and armed groups; and a humanitarian expert as  
12 well, who looks at the obstruction of humanitarian  
13 assistance; and myself.

14 Q. So now that we understand the structure of the  
15 monitoring group, can you explain to the ladies and  
16 gentlemen of the jury how it is you do your fact-gathering  
17 for the reporting.

18 A. Well, we travel to -- we travel in and out of Somalia.  
19 We interview eyewitnesses who have direct knowledge of the  
20 violations we're investigating. We travel to other  
21 countries in the region. Sometimes we travel to Western  
22 countries to talk to members of the diaspora or host  
23 governments. We cooperate with law enforcement,  
24 intelligence, and the diplomatic community.

25 We seek, as far as possible, firm evidence of the

1 violations we're inquiring into, documents, photographs,  
2 video, any range of investigative techniques, which we then  
3 compile in a report to the Security Council once a year.

4 We present also statements of case against  
5 violators, identifying those we consider to have been  
6 responsible, individuals and groups, and these cases are  
7 presented separately to the Security Council to consider  
8 targeted measures against violators.

9 Q. Thank you, Mr. Bryden. In your response you used the  
10 term "diaspora." Can you explain what you mean by that.

11 A. Diaspora being members of the Somali community or the  
12 Eritrean community who live abroad. They may be naturalized  
13 citizens, they may not be citizens, but they are living  
14 outside the country.

15 In the case of Somalia, the links between the  
16 diaspora and Somalia itself are very active and so we gather  
17 a lot of information and we examine in detail the links  
18 between Somalis living outside Somalia and those inside the  
19 country in considerable detail.

20 Q. Now, in the course of your fact-gathering do you also  
21 talk to members of the militias that are active within  
22 Somalia?

23 A. We do. We meet them both in Somalia and outside,  
24 sometimes as detainees in neighboring countries. During the  
25 last year with the monitoring group, I think we interviewed



1 in total over a hundred members of various militia groups.

2 Q. Does this current position that you're in with the  
3 monitoring group get you involved in knowing the course and  
4 the events that are taking place in the Somali conflict?

5 A. Yes. We always present the context before laying out  
6 the specific violations. We have to provide council members  
7 with some sense of what has happened during the period of  
8 the mandate. And, again, as the regional specialist it's  
9 really my responsibility to provide that context and to look  
10 at the evolution of the situation on the ground within which  
11 violations take place.

12 Q. Okay. And during that response you used the term  
13 "mandate." Can you explain to the jury what you mean by  
14 that.

15 A. The mandate is the authority under which the group  
16 conducts investigations. It's a resolution of the United  
17 Nations Security Council. Currently this is Resolution  
18 2002, which was passed earlier this year. And it's a  
19 Chapter VII mandate, which means that it requires all member  
20 states of the United Nations to cooperate with our work.

21 Q. And I'm sorry if I didn't hear you. How long is the  
22 term of the mandate?

23 A. It's a 12-month mandate.

24 Q. And presently are you in -- if I understand you  
25 correctly, are you in your fourth mandate, then?

1 A. This would be my fourth mandate.

2 Q. And, Mr. Bryden, who appoints you to the position of  
3 coordinator for the monitoring group?

4 A. All members of the group are appointed by the Secretary  
5 General of the United Nations and our appointments are  
6 subject to vetting by the Somalia-Eritrea Sanctions  
7 Committee, which is a committee of all 15 members of the  
8 Security Council.

9 Q. Now, Mr. Bryden, prior to the time that you came to the  
10 monitoring group, did you have other experience studying the  
11 Somali conflict and living in Somalia?

12 A. I have lived in and worked on Somalia in combination for  
13 almost 22 years, since January 1990.

14 Q. And if you could start at the most recent position  
15 preceding your position with the monitoring group and work  
16 backwards.

17 A. Before the monitoring group I was engaged as a  
18 consultant through an American contractor and through the  
19 United States Agency for International Development, USAID,  
20 to act as an advisor to the U.S. Embassy in Nairobi on  
21 Somali affairs. That was in 2007.

22 Q. And at that time was there a particular issue or a  
23 particular need for the embassy, the U.S. Embassy, in  
24 Nairobi that called for your expertise?

25 A. Yes. I was engaged in January 2007 immediately after

1 Ethiopian forces had entered Somalia. This was not entirely  
2 unexpected, but the timing took everyone by surprise. It  
3 was such a major development that the embassy in Nairobi,  
4 the American embassy, felt that they didn't have sufficient  
5 knowledge or expertise of Somalia at the time in order to  
6 react to the situation and report on it accurately to  
7 Washington and so I was brought on board to assist.

8 Q. Okay. And prior to that, then?

9 A. Prior to that I was with a nongovernmental organization  
10 called the International Crisis Group. It's an organization  
11 that presents reports and analysis of conflicts and crises  
12 around the world and I was the director of their Horn of  
13 Africa program, which includes Somalia.

14 Q. And we'll talk a little bit more about that in a minute.  
15 Prior to your position with the International Crisis Group  
16 what were you doing in relationship to Somalia?

17 A. Prior to the International Crisis Group I was the head  
18 of a research program known as the War-Torn Societies  
19 Project and subsequently it was called WSP International.  
20 This was a participatory research project working all over  
21 Somalia and it was aimed at looking at the problems of  
22 conflict resolution and post war reconstruction and  
23 involving Somalis in finding solutions to their own problems  
24 and trying to chart ways forward to solve those problems.

25 Q. And approximately what years were you working in that

1 position?

2 A. From 1996 until 2002. In 2003 I became an advisor to  
3 that project while I was also initially working with the  
4 International Crisis Group.

5 Q. Okay. And prior to that was there any other relevant  
6 experience on Somalia or Somali issues?

7 A. I worked for two years before that in the Somali region  
8 of Ethiopia, the Ogaden it's commonly called, for the United  
9 Nations and traveling in and out of Somalia.

10 Prior to that I served as advisor to the Canadian  
11 ambassador to Somalia, which is actually the ambassador  
12 based in neighboring Kenya; and I was advising on political,  
13 military, and humanitarian affairs since we had a battalion  
14 of Canadian troops in Somalia at the time.

15 Q. Now, Mr. Bryden, do you speak the Somali language?

16 A. I speak it relatively well. I don't speak it like a  
17 native speaker, but I'm conversant in it, yes.

18 Q. Well, in preparation, for instance, for your testimony  
19 today were you able to actually listen to some of the calls,  
20 that will be in evidence in the government's case, in  
21 Somali?

22 A. Yes, I was, and to compare them to the transcripts.

23 Q. And --

24 THE COURT: Which dialect do you speak?

25 THE WITNESS: I speak principally the northern

1 dialect of Maxaa Tiri.

2 BY MR. WARD:

3 Q. Sir, if you could briefly summarize your educational  
4 background.

5 A. I was educated at McGill University in Montreal, joint  
6 honors in political science and history, focusing on  
7 international conflict. And I'm currently still enrolled as  
8 a doctoral student at King's College London in the  
9 Department of War Studies doing my dissertation on  
10 contemporary jihadist movements in Somalia.

11 Q. And when do you anticipate you will complete that,  
12 Mr. Bryden?

13 A. I will start to complete it as soon as I finish this  
14 mandate.

15 Q. And when does that expire?

16 A. That will expire at the end of July next year.

17 Q. Mr. Bryden, I notice from looking at your resumé that  
18 you've published extensively. Other than the reports that  
19 you write for the United Nations, have you written anything  
20 about the foreign terrorist organization al-Shabaab?

21 A. I have written a number of papers, almost all of them  
22 public. The International Crisis Group was -- the first  
23 paper that I published was in 2005 for the Crisis Group,  
24 which identified al-Shabaab before it was actually known as  
25 al-Shabaab.

1 Q. And, sir, in the course of your work do you attend  
2 conferences on Horn of Africa and Somali security issues?

3 A. I do. I'm a fairly regular speaker at international  
4 fora speaking on Somali issues. Also a commentator in the  
5 media and often briefing governments about their engagement  
6 in Somalia, their Somali policy.

7 Q. Do those government officials include government  
8 officials from the United States Department of State?

9 A. They do. Department of State and Department of Defense,  
10 Department of the Treasury, USAID, Department of Justice.

11 Q. And how about for foreign governments?

12 A. For foreign governments, I have recently briefed in the  
13 U.K., Sweden, Norway, I've briefed the Kenyan government,  
14 the Ethiopian government, at times the French government,  
15 South African government. Quite a number.

16 MR. WARD: Your Honor, the government would offer  
17 Mr. Bryden -- oh, I have one further question.

18 BY MR. WARD:

19 Q. Have you ever testified before in court as an expert?

20 A. No, I haven't.

21 MR. WARD: Your Honor, with that I tender  
22 Mr. Bryden as an expert in the Somali conflict and the  
23 foreign terrorist organization al-Shabaab.

24 MR. SCOTT: I don't object, Your Honor.

25 MS. GURSTELLE: No objection, Your Honor.

1 THE COURT: Continue.

2 MR. WARD: Thank you, Your Honor.

3 If I could have Government's Exhibit 253, please,  
4 onto the monitors.

5 BY MR. WARD:

6 Q. Mr. Bryden, do you have in front of you Government's  
7 Exhibit 253?

8 A. Yes, I do.

9 Q. Can you identify that.

10 A. That is a map of Somalia, showing the administrative  
11 regions of the country and major towns.

12 MR. WARD: Your Honor --

13 BY MR. WARD:

14 Q. Is this actually a UN map?

15 A. Yes, this looks like it's produced by the United  
16 Nations. The text isn't clear to me, but I believe it is.

17 MR. WARD: Can you blow that up down there in the  
18 lower left-hand corner?

19 I would offer 253, Your Honor.

20 THE WITNESS: Yes, it is.

21 MR. SCOTT: I have no objection, Your Honor.

22 MS. GURSTELLE: No objection.

23 THE COURT: Be admitted.

24 BY MR. WARD:

25 Q. So the map depicts Somalia. Can you tell the ladies and

gentlemen of the jury what the term "Horn of Africa" means.

A. The Horn of Africa is, in fact, the very tip of East Africa, the point of Somalia which is actually known as Ras-Asayr. But the horn typically includes not just Somalia, but also Ethiopia, Eritrea, Sudan, and Djibouti, so all of those countries together in the eastern corner jutting out into the Indian Ocean and the Gulf of Aden, looking somewhat like a horn and so often called the horn.

Q. Now, Mr. Bryden, can you tell the ladies and gentlemen of the jury the approximate size of the country of Somalia.

A. Well, in the United States it's typically compared to Texas in size.

Q. And what's its approximate population?

A. Well, there hasn't been a census, a proper census, for well over 20, almost 30 years, but the United Nations estimates typically between 7 and 9 million, at a stretch 10 million people.

Q. And what's the Somali economy consist of?

A. The main activity of the Somali economy is production of livestock. Somalis are mainly pastoralists herding camels, sheep, and goats, which they export to neighboring countries and across the Gulf of Aden to the Arabian Peninsula.

In southwest Somalia, I'm not sure if -- this area here (indicating), there is also some agricultural produce, farming, grains, and there used to be before the war



1 production of citrus fruits for export.

2 Those are the main features of the Somali economy.

3 Q. Can I ask, sir, if the country is prone to drought.

4 A. The country is prone to drought. There are cyclical  
5 droughts. Usually a very serious drought every ten years or  
6 so and minor droughts every three to five years. It's a  
7 very arid country with only two permanent rivers running  
8 through it.

9 Q. And as a consequence is famine something that Somalia  
10 deals with on a recurring basis?

11 A. There have been two major famines in my experience since  
12 I started working there, one in the early '90s and one that  
13 is going on at present.

14 Q. All right. Mr. Bryden, on the map -- you indicated that  
15 the map shows the regions. How many total regions are there  
16 in Somalia?

17 A. There are 18 administrative regions.

18 Q. And for purposes of your testimony today, can you  
19 indicate for the jury where the regions Bay and Bakool are.

20 A. These are Bay and Bakool here (indicating).

21 Q. Okay. And can you explain to the jury, are there  
22 certain regions that are referred to as the jubbas?

23 A. The jubbas are the regions along the Jubba River, Jubba  
24 Valley in the southwest, which is here (indicating).

25 Q. Okay. And can you show the jury on the map where the

1 capitol of the country is, please.

2 A. That is here (indicating), Mogadishu.

3 Q. And close to Mogadishu is there a city named Afgoye?

4 A. Afgoye is just to the west of Mogadishu, here  
5 (indicating). I am having trouble clearing my screen.

6 Q. Okay. I think that I might be able to do it from here.

7 A. Okay. So Afgoye is here (indicating) just to the west.

8 Q. Okay. Now, in the provinces of Bay and Bakool is there  
9 a town -- and forgive me if I mispronounce it -- Baidoa?

10 A. Yes, there is. That's the capitol of the Bay region and  
11 that is here (indicating).

12 Q. And earlier you used the name of a port city, Kismayo.  
13 Can you indicate to the jury where that is.

14 A. That is to the south of Mogadishu, southwest, right here  
15 (indicating).

16 Q. And the significance of Kismayo to your work is that  
17 it's -- if you could explain to the jury what that is.

18 A. Kismayo is one of the four major ports in Somalia, a  
19 fairly deep water port and well-developed. It's the most  
20 important port under Shabaab control. It's the principal  
21 source of revenue for al-Shabaab, sole principal source of  
22 revenue from taxes and services offered at the port.

23 It's also the center of the charcoal trade, which  
24 is probably the largest income earner for al-Shabaab. It's  
25 the only part of Somalia where that trade goes on, the

1 burning of acacia forests and the export of charcoal to the  
2 Arabian Peninsula. So it's a big income-earner for the  
3 movement.

4 Q. Approximately how long has Shabaab controlled the port  
5 of Kismayo?

6 A. Since 2009.

7 Q. And we'll get into this in a little bit more detail, but  
8 can you describe generally for the jury the areas within  
9 Somalia that you consider to be under al-Shabaab control.

10 A. All of Somalia south of southern -- south of northern  
11 Galguduud. So south of the line I have just drawn, with the  
12 exception of the capitol, Mogadishu, is considered to be  
13 under al-Shabaab control.

14 Q. Sir, there were just two other cities I wanted to ask  
15 you to direct the jury's attention to. And, again, forgive  
16 my pronunciation. Beledweyne?

17 A. Yes, Beledweyne is here (indicating) in the -- close to  
18 the Ethiopian border in the center of the country.

19 Q. And how about Rabdhure?

20 A. Rabdhure is just to the north of Hudur, close to the  
21 Ethiopian border as well. It's a little closer to the  
22 border than the arrow I have just put on the map.

23 Q. And as I check my notes, there are two cities to the  
24 north which may be relevant to the calls in this case.

25 Hargeisa?

1 A. Hargeisa is in the northwest, there (indicating), a  
2 little bit to the left of my arrow.

3 Q. And is that located in Somaliland?

4 A. That's the capitol of Somaliland, yes.

5 Q. And how about Bosaso?

6 A. Bosaso is located in the region of Puntland. Oops, I  
7 did that wrong. There (indicating), just to the north of  
8 the arrow I put on the map, on the coast.

9 Q. Thank you, Mr. Bryden. Can you describe briefly the  
10 status of Somaliland and Puntland with respect to the  
11 southern portions of Somalia.

12 A. These are autonomous regions. Somaliland declared  
13 independence in 1991, but it's not recognized as an  
14 independent state. It has its own government that controls  
15 most of its territory, but not all. The eastern part of  
16 Somaliland is also the western part of Puntland, between the  
17 lines that I have indicated.

18 Puntland is also an autonomous state with its own  
19 administration, self-governing. It doesn't claim  
20 independence. It wants Somalia to be constituted as a  
21 federal state with Puntland being one of those federal  
22 states and it has recently started to develop a relationship  
23 with the Transitional Federal Government in Mogadishu. It's  
24 been separate for some time, but they've recently started  
25 talking.

1 Q. Thank you.

2 MR. WARD: If I could have Government's  
3 Exhibit 254.

4 BY MR. WARD:

5 Q. Do you have that there, Mr. Bryden?

6 A. Yes, I do.

7 Q. Is that a map of the city of Mogadishu?

8 A. It is.

9 Q. And is it a map that you provided to me because you use  
10 it in your work?

11 A. Yes, I did indeed.

12 MR. WARD: Your Honor, I would offer 254.

13 MR. SCOTT: No objection to 254.

14 MS. GURSTELLE: No objection, Your Honor.

15 THE COURT: Be admitted.

16 BY MR. WARD:

17 Q. Mr. Bryden, I see from the map that Mogadishu is  
18 directly on the Indian Ocean, but I wanted to ask you just  
19 to identify briefly for the jury where some geographic  
20 locations are that are referred to in the calls in the  
21 government's case.

22 Can you point out Villa Somalia.

23 A. Villa Somalia is approximately -- I am making a mess of  
24 this -- there (indicating), a little bit above the arrow  
25 that I've indicated.

1 Q. Okay. And what is Villa Somalia?

2 A. Villa Somalia is the presidential palace, the  
3 presidential compound.

4 Q. Okay. How about the Pasta Factory?

5 A. The Pasta Factory is up in that part of the city there  
6 (indicating), almost at the -- there's a road junction just  
7 above the arrow I've indicated and it's slightly to the  
8 southwest of that junction.

9 Q. Does it operate as a pasta factory anymore?

10 A. No. These are names from the pre-war period. It  
11 doesn't function anymore.

12 Q. Okay. Is it sometimes also referred to as the Spaghetti  
13 Factory?

14 A. In Somalia it would be pasta.

15 Q. The Bakaara?

16 A. The Bakaara Market is actually more of a district than a  
17 market. There (indicating), where I placed the arrow. It's  
18 a fairly sprawling area of the city, quite built up now, and  
19 was until recently the largest market in Mogadishu.

20 Q. And, Mr. Bryden, my notes say "al-Umma," but I believe  
21 that there is a location where Burundian troops were  
22 garrisoned and if you could point that out.

23 A. The main Burundian garrison is just above that arrow at  
24 what used to be known before the war as the Jaalle Siyaad  
25 Academy, a military academy.

1 Q. And while we're on the subject, what are the Burundians  
2 doing in Somalia right now, why are they there?

3 A. The Burundians are part of an African Union peace  
4 support operation known as AMISOM, the African Union Mission  
5 in Somalia. It's composed for the moment of mainly Ugandan  
6 troops and also a smaller contingent of Burundian. Some  
7 other governments have recently pledged troops, including  
8 the government of Djibouti.

9 It operates under a United Nations mandate, but it  
10 is an African Union force and its principal mission is to  
11 protect the Transitional Federal institutions, the  
12 government, the parliament, the members of parliament, the  
13 government officials, and to allow them to operate in the  
14 Somali capitol.

15 Q. And how long have the African Union troops been deployed  
16 in Somalia?

17 A. They've been deployed -- the first contingent arrived  
18 just before the Ethiopians left in January, February 2009.  
19 So since late 2008 there have been Ugandan troops there.

20 Q. Okay. And I don't know if it's on this map or not, but  
21 can you identify Elasha Biyaha.

22 A. It isn't on this map. It is -- it would be -- well, it  
23 might be. It would be just probably to the left of the map  
24 along Afgoye Road, sort of in that general area where I have  
25 put the arrow, maybe a little further.

1 Q. Okay. And what is Elasha Biyaha?

2 A. It just means water wells. It was the main water  
3 pumping station for Mogadishu. It's now a large settlement  
4 of internally displaced persons or IDPs and it's an area  
5 that has changed sides many times as a sort of front line  
6 between pro-government forces and al-Shabaab.

7 Q. And when you say "IDPs," are these people who are  
8 displaced from their homes because of the fighting?

9 A. Yes, that's right.

10 MR. WARD: If I could have Government's  
11 Exhibit 267.

12 BY MR. WARD:

13 Q. And, Mr. Bryden, I just wanted to ask you to briefly  
14 discuss the clan system in Somalia. I guess my real  
15 question is: What is a clan and how does it affect the  
16 Somali social structure?

17 A. Well, Somali society is organized -- has historically  
18 been organized in clan lines, along clan lines. It's known  
19 as a -- to anthropologists as a segmentary lineage society.

20 Clans are like big families and within each clan  
21 there are sub-clans and sub-clans and sub-sub-clans, an  
22 almost infinite layer of division, until at the very bottom  
23 there is a mag-wadaag or a diya-paying group, which is  
24 usually several hundred males. That's the lowest level.

25 And these clans have always been important and



1 have always been mobilized for political and military  
2 purposes, or were with a short exception during the period  
3 of military governance.

4 But in the absence of the state -- since the  
5 Somali government collapsed in 1991, the clan has also  
6 become a primary reference. It's identity. It's a form of  
7 protection, social security, and mobilization.

8 Q. And looking at Exhibit 267, is that a map that depicts  
9 the rough boundaries of the various clans in the country of  
10 Somalia?

11 A. Yes, it is. It's approximate and it's far from  
12 complete, but it gives a sense of how major clans are  
13 distributed.

14 MR. WARD: Offer Government's 267, Your Honor.

15 MR. SCOTT: No objection, Your Honor.

16 MS. GURSTELLE: No objection, Your Honor.

17 THE COURT: Be admitted.

18 BY MR. WARD:

19 Q. And with respect to Government's 267, Mr. Bryden, could  
20 you just briefly identify for the jury the major clans  
21 which -- correct me if I am wrong. Are those the ones that  
22 are in bold inside the box on the left?

23 A. Yes, they are. The major clans in Somalia are here  
24 (indicating), referred to as the Hawiye, who inhabit mainly  
25 the south and central regions; the Darod, who inhabit the

1 northeast and southwest; the Rahanweyn or the Digil and  
2 Mirifle group, which inhabit the pink area in the southwest;  
3 and then the Isaaq, who are often considered part of the  
4 Dir, who inhabit the northwest; and then elements of much  
5 smaller clans distributed amongst them.

6 Q. And can you explain to the jury the difference between  
7 the names that are in bold, for instance, where it says,  
8 "Hawiye."

9 A. Yes.

10 Q. What are the names that are underneath the clan name  
11 Hawiye?

12 A. Those are sub-clans of the Hawiye, major sub-clans of  
13 the Hawiye underneath.

14 Q. Okay. So is one's identity tied to both a clan and  
15 sub-clan?

16 A. Yes. Some Somalis would say it's like your ZIP code.  
17 It's a way of knowing who you're talking to, where they come  
18 from, and whether or not there's a relationship between you  
19 and the person you're talking to and whether that  
20 relationship has historically involved enmity or friendship  
21 and alliance.

22 MR. WARD: Could I have Government's Exhibit 256,  
23 please.

24 BY MR. WARD:

25 Q. In preparing for your testimony today, Mr. Bryden, did

1       you prepare a timeline or --

2               THE COURT: Can we back up to that last map.

3               MR. WARD: I'm sorry, Your Honor.

4               THE COURT: Now, the clans, the ethnic groups, the  
5       clans, do they go back before occupation by European  
6       countries, Italy?

7               THE WITNESS: Yes, they do, Your Honor.

8               THE COURT: And was Somalia, the map of Somalia,  
9       like that prior to occupation?

10              THE WITNESS: The map of Somalia, Your Honor,  
11       prior to the colonial period is, in fact -- essentially it's  
12       what you see outside the borders of Somalia proper. It's  
13       the area inhabited by Somalis.

14              There were only brief periods in Somali history  
15       where some form of state authority came into being and  
16       kingdoms in the south of the country and at one point in the  
17       early 20th century a movement that covered from part of the  
18       north down to part of the south, but there was no state of  
19       Somalia prior to the colonial period.

20              THE COURT: Continue.

21       BY MR. WARD:

22       Q. In preparing for your testimony, Mr. Bryden, did you  
23       prepare, in effect, a timeline of the Somali conflict?

24       A. Yes, I did. I borrowed a timeline from another source  
25       and have tweaked it to try and make it more accurate.

1 Q. And do you have in front of you Government's 256?

2 A. Yes, I do.

3 Q. And is this the timeline that we just discussed?

4 A. Yes, it is.

5 MR. WARD: I would offer 256, Your Honor.

6 MR. SCOTT: No objection, Your Honor.

7 MS. GURSTELLE: No objection, Your Honor.

8 THE COURT: Be admitted.

9 BY MR. WARD:

10 Q. Mr. Bryden, can you tell the ladies and gentlemen of the  
11 jury when Somalia gained its independence.

12 A. Somalia gained its independence in 1960. The British  
13 part, the British Somaliland protectorate, became  
14 independent on 26 June 1960 and five days later the Italian  
15 part of Somalia, the south, gained independence on July 1st  
16 and on the same day they unified.

17 Q. And was there a time period during which Somalia  
18 operated as a democracy?

19 A. Yes. For the first nine years it was a democracy, a  
20 very vibrant, very active democracy.

21 Q. And what happened?

22 A. In 1969 the president was assassinated and the military  
23 stepped in to fill the vacuum, established a military regime  
24 headed by General Mohamed Siad Barre, who then ruled the  
25 country for the next 21 years.

1 Q. And after 21 years what became of General Siad Barre?

2 A. Well, he went to war with Ethiopia in 1977 and the  
3 Somali military was badly defeated, the economy suffered.  
4 And from 1978 onwards he faced insurgencies in various parts  
5 of the country that picked up momentum through the 1980s.

6 In 1988 full-scale war broke out starting in the  
7 northwest and in January 1991, in fact, 30 December 1990,  
8 the fighting reached Mogadishu itself and by the end of  
9 January '91 he was expelled from the capitol. He kept  
10 fighting for another year and a half before he was  
11 finally -- he and his forces were chased into neighboring  
12 Kenya and he died in exile.

13 Q. And since 1991, Mr. Bryden, has there been an effective  
14 central government in Somalia?

15 A. No, there has since then been no effective central  
16 government in Somalia.

17 Q. Immediately following the fall of Siad Barre, can you  
18 briefly summarize what events took place.

19 A. I'm sorry. Could you repeat the question?

20 Q. After General Barre was deposed, in the immediate years  
21 thereafter what events took place?

22 A. Well, immediately after he fell, the rebel movement that  
23 had taken control of the capitol -- it was called the United  
24 Somali Congress and it was mainly, almost exclusively from  
25 the Hawiye clan -- divided and went to war with itself. And

1 so there was civil war in the capitol and much of central  
2 Somalia.

3 And part of the USC, the United Somali Congress,  
4 also was fighting the remains of Barre's forces. They  
5 fought back and forth across southwestern Somalia, which  
6 created a terrible famine.

7 And the famine led first of all the United States  
8 to offer troops to deliver relief supplies and then the  
9 United Nations. And so between late 1992 and 1995 there  
10 was a -- there were several UN missions, one after the  
11 other, to first of all deliver humanitarian assistance and  
12 then to stabilize -- to attempt to stabilize Somalia.

13 Unfortunately October 3, 1993 there was the famous  
14 Black Hawk Down incident, American forces killed in the  
15 streets of Mogadishu. U.S. forces withdrew the following  
16 year and the UN, having failed to establish stability,  
17 withdrew in 1995.

18 Q. Now, Mr. Bryden, after that time period, 1995, have  
19 there been efforts to form a central government?

20 A. There have been several efforts, some would say that  
21 we're on the 18th or 19th effort, to form a central  
22 government. The two most important ones were:

23 In 2000 in the neighboring country of Djibouti a  
24 conference established the Transitional National Government,  
25 headed by Abdiqasim Salad Hassan, and that government

1 returned to Mogadishu, but it failed partly because of its  
2 own shortcomings and partly because it was opposed by  
3 neighboring Ethiopia, which supported faction leaders to  
4 contain it and eventually to bring it down.

5 As a result, in 2002 the next attempt to form a  
6 government started. Two years of peace talks in neighboring  
7 Kenya between the faction leaders supported by Ethiopia, the  
8 most important of whom was Abdullahi Yusuf Ahmed, who was  
9 then president of the region of Puntland, and the  
10 Transitional National Government, they were supposed to come  
11 up with a power-sharing arrangement. It didn't really  
12 happen.

13 The TNG was replaced in October 2004 by the  
14 Transitional Federal Government, which is the government  
15 that is still in place in Mogadishu at the moment.

16 Q. Okay. You mentioned the name Abdullahi Yusuf. When he  
17 headed what you called the Transitional National Government,  
18 did his government ever sit in Somalia?

19 A. Yes, it did. For the first year, from 2004 and '05, the  
20 government actually sat in Nairobi, Kenya, outside the  
21 country. In 2005 it moved back into Somalia initially to  
22 the town of Jowhar, just north of Mogadishu, and then it  
23 moved later the same year to Baidoa in the southwest.

24 Q. Now, initially why did it sit in Kenya?

25 A. Because Abdullahi Yusuf considered Mogadishu not safe

1 enough for his government. Many of the people in Mogadishu  
2 opposed his leadership and believed that he was seeking to  
3 impose a form of clan revenge and if he came back to  
4 Mogadishu they would fight him. He therefore from the day  
5 he was -- almost the day he was declared president he called  
6 for 20,000 foreign troops to be deployed to assist him to  
7 return his government to Somalia.

8 Q. Now, that didn't happen right away, I take it?

9 A. No, it didn't happen right away.

10 Q. And you indicated, then, that the latest government,  
11 which is now the TFG, the Transitional Federal Government,  
12 was established in --

13 A. October 2004.

14 Q. Okay. So on the timeline that we're talking about, is  
15 there a mistake where it says, "August 2004"?

16 A. That's right.

17 Q. Okay. And was Mr. Yusuf also elected president of that  
18 government?

19 A. Well, that's when he became president. He was not --  
20 prior to 2004 there was the Transitional National Government  
21 headed by Abdiqasim Salad Hassan. Abdullahi Yusuf became  
22 president in October 2004.

23 Q. Now, moving forward on your timeline, if we could move  
24 down to the bottom, did an organization known as the Islamic  
25 Courts Union gain power in portions of Somalia?



1 A. Yes, it did.

2 Q. And can you describe for the jury who the Islamic Courts  
3 Union was.

4 A. Well, the Islamic Courts Union -- I would really have to  
5 go back a long way, but the Courts first really appeared as  
6 courts in 1998 in several parts of Mogadishu. There were  
7 three principal courts and a fourth south of Mogadishu in  
8 the town of Merca and this was a -- these were, again,  
9 clan-based courts, but claiming to administer Islamic law,  
10 sharia law.

11 And the most prominent figure of the Courts, the  
12 leader, if you will, was Sheikh Hassan Dahir Aweys, who had  
13 a history already of trying to establish Islamic law in  
14 Somalia since the early 1990s.

15 And the Courts over time gained the support of  
16 much of the business community and parts of the community of  
17 Mogadishu because they established for the first time, after  
18 many years, law and order.

19 And in 2006 the Islamic Courts eventually took  
20 control in June 2006 of the city of Mogadishu and expanded  
21 their control across much of southern Somalia.

22 Q. And while we are on the subject, was one of the leaders  
23 of the Courts an individual named Sharif -- Sheikh Sharif  
24 Ahmed?

25 A. Sheikh Sharif Sheikh Ahmed, yes.

1 Q. And what became of the Islamic Courts?

2 A. The Islamic Courts were dismantled and displaced in  
3 December 2006 by Ethiopian forces, who entered Somalia and  
4 occupied it for two years, and parts of the Courts went  
5 underground and formed a resistance against Ethiopian  
6 occupation and part of the Courts, including Sheikh Sharif  
7 Sheikh Ahmed, traveled in various directions until gathering  
8 again in neighboring -- almost neighboring Eritrea in  
9 Asmara, the capitol city, where they formed a new movement  
10 called the Alliance for the Reliberation of Somalia.

11 That movement subsequently split. One group  
12 entered peace talks with the Transitional Federal Government  
13 and that wing which was headed by Sheikh Sharif Sheikh Ahmed  
14 became the new government of Somalia and Sheikh Sharif  
15 Sheikh Ahmed is now the president of the Transitional  
16 Federal Government.

17 Q. Taking you back to the time frame of December 2006,  
18 where was the Transitional Federal Government sitting during  
19 the time that the Islamic Courts Union held power in  
20 Mogadishu?

21 A. It was based in Baidoa.

22 Q. And at that time was Abdullahi Yusuf still the  
23 president?

24 A. Yes, he was.

25 Q. Okay. And so you indicated Ethiopians invaded. Can you

1 tell the jury what the circumstances were behind that.

2 A. The Islamic Courts had taken control of Mogadishu and  
3 were expanding up to the borders of Somalia, towards Kenya  
4 and Ethiopia.

5 The Ethiopians have long been very much opposed to  
6 Islamist movements in Somalia, partly because there's a big  
7 Somali population and a large Muslim population in Ethiopia  
8 and they've been afraid that this would be destabilizing for  
9 Ethiopia as well.

10 Also, some of the leaders of the Islamic Courts  
11 had made hostile statements to Ethiopia and had even  
12 threatened to invade, Sheikh Hassan Dahir Aweys among them,  
13 and so they were very resistant to the Courts becoming an  
14 authority.

15 A second reason was that within the Courts the  
16 emergence of the group that became known as al-Shabaab, this  
17 group emerged as the backbone of the Courts' military  
18 strength and therefore was beginning to shape the way the  
19 Courts -- shape their political direction.

20 And the Ethiopians, and not only the Ethiopians, a  
21 number of foreign governments were very much concerned by  
22 the influence al-Shabaab would have on the direction the  
23 Courts would take.

24 And then lastly, as the Courts -- part of the  
25 Courts started to consider dialogue with the Transitional

1 Government to see whether or not some agreement could be  
2 reached, al-Shabaab forces started to attack positions  
3 outside Baidoa.

4 And I haven't mentioned, but by then there were  
5 Ethiopian forces protecting the government in Baidoa. And  
6 as, in a sense, Shabaab started these provocations to  
7 interrupt the peace talks, Ethiopia took the opportunity to  
8 send its forces into Somalia and take control of the  
9 country.

10 Q. And subsequent to the Ethiopians entering was there  
11 another attempt to restructure the Transitional Federal  
12 Government, known as the Djibouti Agreement?

13 A. Yes. From the end of 2006 until two thousand and --  
14 late 2008 the government, the Transitional Federal  
15 Government, was based in Mogadishu, headed by Abdullahi  
16 Yusuf, and it was facing a very active insurgency and was  
17 unable to establish its control, even with thousands of  
18 Ethiopian troops.

19 The Ethiopians finally were of the opinion that  
20 there needed to be a dialogue, that the government had to  
21 talk to particularly some of the clans who were supporting  
22 the insurgency, parts of the Hawiye clan. And they found  
23 that President Yusuf was resistant. He didn't want to talk  
24 to anyone. He had a reputation as a dictator and he lived  
25 up to it.

1 And so finally under pressure from Ethiopia, from  
2 the United States, from a number of different places he was  
3 forced to resign and peace talks in Djibouti by the rest of  
4 his government and part of the Islamic Courts and the group  
5 from Eritrea produced a new government -- that's early  
6 January 2009 -- headed by Sheikh Sharif Sheikh Ahmed, and  
7 that is the government that is now sitting in Mogadishu.

8 Q. Okay. And Sheikh Sharif Sheikh Ahmed was one of the  
9 former leaders of the Islamic Courts; is that correct?

10 A. He was the chairman of the Islamic Courts in Mogadishu  
11 in 2006.

12 Q. And as part of the Djibouti Agreement did the Ethiopian  
13 forces withdraw?

14 A. Yes, they did.

15 Q. And that's shown on your timeline in January of 2009; is  
16 that correct?

17 A. That's correct.

18 Q. Now, the organization known as al-Shabaab, was it part  
19 of the Djibouti Agreement?

20 A. No, it wasn't. It opposed the Djibouti Agreement.

21 Q. And what response did they make?

22 A. They attacked the new government headed by Sheikh  
23 Sharif. So essentially what used to be the Islamic  
24 Courts -- Shabaab had been part of the Islamic Courts --  
25 formally split and al-Shabaab attacked President Sharif when

1 he returned to Mogadishu.

2 Q. And are there -- are you aware of instances where  
3 al-Shabaab compared the new government of Sheikh Sharif  
4 Sheikh Ahmed to the former government of Abdullahi Yusuf?

5 A. Yes. They said essentially that this was no different  
6 from the previous government, that Sheikh Sharif had sold  
7 out, that this was now a government of apostates, and that  
8 it should be opposed.

9 Q. And when you use the term "apostates," can you explain  
10 to the jury what that means.

11 A. That means that they had effectively -- they were no  
12 longer Muslim. They had -- I would say they had renounced  
13 their religion, but, in fact, in Shabaab's ideology Shabaab  
14 gives itself the authority to designate other Muslims as  
15 non-Muslims. It's an act called takfir or takfirism. And  
16 so they essentially denounced the new government as  
17 non-Muslim and therefore it would be legal for them to  
18 attack it.

19 Q. Now, I wanted to talk a little bit about al-Shabaab  
20 itself. And are you aware what the formal name is of the  
21 foreign terrorist organization al-Shabaab?

22 A. The full name is most often Harakat al-Shabaab  
23 al-Mujahideen.

24 THE COURT: All right. Let's stop here. We'll  
25 take a 15-minute break, 15-minute break. All rise for the

1 jury.

2 (Recess taken at 3:32 p.m.)

3 \* \* \* \* \*

4 (3:53 p.m.)

5 **IN OPEN COURT**

6 **(JURY PRESENT)**

7 THE COURT: You may continue.

8 BY MR. WARD:

9 Q. Mr. Bryden, before we broke you had just told the jury  
10 the formal name of al-Shabaab. And how does the formal  
11 name, how does it translate into English?

12 A. It is the movement of the youth engaged in jihad.

13 Q. Okay. Also Mujahideen Youth Movement?

14 A. Mujahideen Youth Movement, yes.

15 Q. Okay. Al-Shabaab, is that an Arabic term?

16 A. Al-Shabaab is an Arabic term.

17 Q. Is it in use in the Somali language to refer to the  
18 foreign terrorist organization?

19 A. It is in use. It has recently entered use. It wasn't a  
20 word that I remember using in, say, the 1990s.

21 Q. And do Somalis also refer to the foreign terrorist  
22 organization by a Somali word for "youth"?

23 A. They use the term -- they may use the term  
24 "dhallinyarada." There are other terms as well.

25 Q. Okay. And how about the members of al-Shabaab itself,

do they refer to themselves by the Somali word for "youth"?

A. I'm not sure how they would refer to themselves. I think depending on the context they would also refer to themselves as mujahideen, but when speaking in veiled speeches, as it were, dhallinyarada, innamada, yaryarka. Several different terms could be used to conceal the name.

Q. All right. Mr. Bryden, can you tell the jury what the objectives are of al-Shabaab.

A. As far as I think anyone can say, since it's a very secretive organization and there are still elements about its purposes and its structure that are not fully understood to outsiders, to impose their version of Islamic law on Somalia.

And for some members of the movement, because there are different ideas within the movement, some apparently seek to export that version of Islamic law to neighboring countries, at least to the Muslim populations in those neighboring countries, and some seek to associate themselves with some form of global Islamic jihad espoused by other movements around the world.

Q. Okay. Well, I understand it has ambitions beyond the borders of Somalia, but how about, what's its position with respect to the Transitional Federal Government under Sheikh Sharif Sheikh Ahmed?

A. To expel, dismantle that government, and to replace it



1 with their own rule by force.

2 Q. Okay. And when you say its brand of sharia, does it  
3 differ from other types of sharia law?

4 A. Absolutely. In a way Somalia has been -- has  
5 implemented sharia law or had it as a component of its  
6 constitution ever since it was -- they received independence  
7 in 1960. Every Somali constitution, including the current  
8 Transitional Federal Government constitution, the charters  
9 of Somaliland and Puntland establish Islam as the state  
10 religion, sharia as the basis -- or Islamic sharia as the  
11 basis of law, and prohibit any law that contravenes the  
12 sharia. So in a sense Somalia has always been a form of  
13 Islamic state.

14 Q. Okay. Why isn't that good enough for al-Shabaab?

15 A. Well, the form of Islam practiced by Somalis  
16 traditionally has been a different type of Islam. It is  
17 Islam of the -- it's Sunni Islam, but of the Shafi'i legal  
18 school.

19 Typically Somalis have practiced Sufism, which is,  
20 some would say, a mystical form of Islam. It's been very  
21 moderate in character.

22 Over the last few decades there's been a growing  
23 community of Salafi Muslims in Somalia, a more puritanical  
24 version of Islam.

25 And the Shabaab interpretation is the most rigid,

1 the most extreme, and includes elements of Islamic thought  
2 and teachings that haven't existed in Somalia before.

3 Q. Can you give some examples of, for instance, the  
4 punishments for --

5 A. Well, for example, yes, the -- everything from the  
6 punishments, the amputations, and sometimes --

7 Q. What are those applied for?

8 A. For theft a thief may have his or her hand and/or foot  
9 cut off, lashes, stoning of adulterers, executions.

10 Executions, I suppose, are not the exclusive property of  
11 al-Shabaab, but executions and at times mutilations and this  
12 aspect that I referred to earlier, takfirism, the authority  
13 to declare someone else an apostate and therefore to make it  
14 legal to kill them, these are all elements of Shabaab's  
15 version of Islam that aren't shared by other parts of Somali  
16 society.

17 Q. And when you say "stoning of adulterers," are you  
18 talking about being stoned to death?

19 A. Yes.

20 Q. And with respect to the doctrine of takfir, is that  
21 sometimes implemented by beheading?

22 A. Yes, it is. There are regular beheadings.

23 Q. Is there any one particular beheading that you are  
24 familiar with that you could explain to the jury?

25 A. Well, there was one that was highly publicized because

1 it was a driver for a UN agency, the World Food Programme,  
2 and his beheading was videotaped and circulated fairly  
3 widely.

4 Q. And according to Shabaab, what was the driver's crime?

5 A. The driver's crime was to have converted to  
6 Christianity.

7 Q. And was the video posted to YouTube?

8 A. I don't believe it was posted on YouTube. I don't think  
9 it would have passed their filters. But it was widely  
10 circulated on other sites and even on mobile phones.

11 Q. Now, let's talk a little bit about some of the tactics  
12 that al-Shabaab uses as a military group. First off, is it  
13 a regular army?

14 A. No, it's not a regular army. It's more of a guerrilla  
15 army. It does have some form of regular units, but it's  
16 mainly a guerrilla fighting force.

17 Q. Does it have uniforms?

18 A. Some of its formed units have uniforms. They have some  
19 distinctive markings, like the red shawl, the red immamad,  
20 which is closely identified with al-Shabaab, but not all the  
21 fighters wear it, in fact, I'd say that's probably a  
22 minority, especially because Shabaab go to great pains to  
23 conceal their identities.

24 THE COURT: I'm sorry. I need a comparison. Go  
25 back to the interpretation of sharia law. You talked about

1 Somalia. Do you know anything about the Kingdom of Saudi  
2 Arabia?

3 THE WITNESS: I know a little about the Kingdom,  
4 Your Honor.

5 THE COURT: And are you able in your expert  
6 capacity to do a comparison between what happens in Saudi  
7 Arabia and Somalia or what they -- al-Shabaab's  
8 interpretation of sharia is?

9 THE WITNESS: Well, Your Honor, there is -- there  
10 are some similarities because both are based in the Salafi  
11 or the Wahhabi school of Islam.

12 THE COURT: And the Wahhabi is the most  
13 conservative?

14 THE WITNESS: The most conservative. And from the  
15 Salafi school there are broadly speaking two divergent  
16 streams of thought. One is --

17 THE COURT: But first let's break it down. Both  
18 Saudi Arabia and Somalia are Sunni Muslims?

19 THE WITNESS: That's correct. Salafism is a  
20 school of Sunni Islam.

21 THE COURT: Okay. Continue.

22 THE WITNESS: Then, Your Honor, the Salafism  
23 essentially breaks into what some would call the Salafi  
24 Jihadiyya, the jihadist school of thought, and in Somalia  
25 what's referred to as the Salafi Jadiidah, the new Salafis.

1 And Saudi Arabia currently is associated with the new  
2 Salafis.

3 The new Salafis espouse the spreading of their  
4 religion through example, through teaching, but essentially  
5 through peaceful means; and the Salafi Jihadiyya espouse  
6 imposing their rule essentially through violence. In Saudi  
7 Arabia, even the government itself is engaged in containment  
8 of the Salafi Jihadiyya movement through its own criminal  
9 system.

10 So there are, of course, similarities, both being  
11 Salafis, but that is the critical distinction, is the use of  
12 violence.

13 THE COURT: Okay. You may continue.

14 BY MR. WARD:

15 Q. Mr. Bryden, back on the tactics of the al-Shabaab  
16 militia, do they employ a tactic known as suicide bombings?

17 A. Yes, they do.

18 Q. Can you describe to the jury what takes place in a  
19 suicide bombing.

20 A. Suicide bombings, there are basically two different  
21 forms, what we would refer to as the VBIED, the  
22 vehicle-borne improvised explosive device, and the PBIED,  
23 the person-borne improvised explosive device.

24 The PBIED is when a person straps or has strapped  
25 to him or her an explosive belt, and these belts typically

1 in Somalia have a couple of different trigger mechanisms.  
2 One is that the person -- there have been both male and  
3 female bombers -- detonate their own belts, but usually  
4 there's also a fail-safe, which is something like a remote  
5 phone or a radio-controlled alarm. In case the person  
6 doesn't detonate the device, then someone else watching  
7 remotely, a controller, can detonate the device to make sure  
8 that the explosion goes off. We know this partly because in  
9 a few cases the bombs have not gone off and we've been able  
10 to analyze the devices.

11 The vehicle-borne improvised explosive device is a  
12 vehicle packed with any combination of explosives, sometimes  
13 incendiary, sometimes high explosive. These can be packed  
14 in the back of a truck or a Land Cruiser. The Shabaab for  
15 some reason like to use what's called the Surf. It's a  
16 four-wheel drive vehicle and it's a sort of station wagon.  
17 And sometimes the explosive is packed in the door panels or  
18 under the seats. Sometimes it's just stacked in the rear.

19 And the vehicle is driven up to a facility. If  
20 they get past any guards or any security, usually blow it up  
21 inside the facility. Other explosions, including some  
22 recently, have gone off at the gates of the facility because  
23 most facilities in Mogadishu and now elsewhere in Somalia  
24 are better protected precisely because this has become such  
25 a common tactic.

1 Q. Do they also employ improvised explosive devices like  
2 roadside bombs?

3 A. They do indeed. These get more and more sophisticated.  
4 An IED in Somalia -- there are some techniques that are  
5 borrowed apparently from other countries, like Iraq and  
6 Afghanistan, but in Somalia we've seen a progression from  
7 very crude devices.

8 Like an anti-tank mine, the pressure device for  
9 the mine is removed. It's then wired to a trigger mechanism  
10 and then often nuts and bolts or bullets will be welded onto  
11 the outside of the mine to increase the fragmentation  
12 effect.

13 Increasingly now we also see the use of gas  
14 cylinders, which are then -- rebar, construction steel bars,  
15 are chopped up and adhered to the outside of the gas  
16 cylinder or the explosive, which also increases the  
17 fragmentation effect. And these can be hidden in garbage.

18 Then the last sort of third major form of IED is  
19 in, say, a jerrycan, which would normally be containing milk  
20 or vegetable oil, and it's stuffed full of TNT and then  
21 wired to explode. So it looks like an everyday item left by  
22 the side of the road and it can be detonated when TFG troops  
23 or AMISOM or whatever the target is drives by.

24 Q. Thank you, Mr. Bryden. Now, al-Shabaab has mortars, do  
25 they not?

1 A. They do.

2 Q. And do they use the -- do they set the mortars up in  
3 civilian population centers?

4 A. They have in the past and continue to do so. They'll  
5 either take a mobile team with a small mortar into a  
6 neighborhood and fire from that neighborhood. Often that  
7 involves, then, retaliatory fire from government forces or  
8 African Union forces.

9 They also use pickup trucks and sometimes they'll  
10 place a mortar in the back of a pickup truck, drive it into  
11 a neighborhood, fire, and then drive out again so they are  
12 not there when the return fire comes in.

13 Q. Is there any particular purpose behind firing from a  
14 civilian population center that you know of?

15 A. I mean, the main purpose is understood to be that by  
16 attracting the fire of AU or government troops, which then  
17 kill civilians, that these enemy forces of al-Shabaab will  
18 be blamed, the government will be delegitimized and become  
19 less popular, the presence of the AU forces likewise, and  
20 eventually there will be such public opposition to these  
21 forces that they'll either be defeated or they'll have to  
22 withdraw.

23 Q. Now, are there any types of activities that al-Shabaab  
24 is responsible for that is directed at intimidating the  
25 civilian population?



1 A. They have a range of techniques to intimidate the  
2 civilian population.

3 One is just in areas that they control they  
4 have a highly authoritarian rule and, again, the use of  
5 amputations or executions is exemplary. It keeps people  
6 under control.

7 They also use, for example, issuing of what are  
8 known as night letters, warnings, pieces of paper that can  
9 be slipped under someone's door, left at their home saying  
10 you are being warned. They do this particularly with junior  
11 government officials, like district commissioners, municipal  
12 officials. You either leave government service or you or  
13 your family will be killed.

14 And, yes, SMS. Like every 21st century movement  
15 now, the use of technology to send messages, sometimes phone  
16 calls. Again, the same kind of message, leave government  
17 service, don't do this, don't do that or you will suffer the  
18 consequences.

19 Q. Do they employ any type of targeted assassinations?

20 A. Targeted assassinations are very common of both -- well,  
21 government officials are routinely targeted. They have --  
22 al-Shabaab in the past first became really visible through a  
23 campaign of targeted assassinations. They killed aide  
24 workers. They killed journalists. They killed civil  
25 society Somali leaders they disagreed with, people from

1 nongovernmental organizations. A very high-profile peace  
2 activist in Somalia was assassinated by al-Shabaab. So very  
3 common.

4 They've also been known fairly routinely to kill  
5 members of their own ranks, especially young men who want to  
6 escape. And, again, this is believed to have an exemplary  
7 value so that other militia don't try to escape, because  
8 they see what the consequences would be.

9 Q. In your experience with al-Shabaab, have people been  
10 known to have been assassinated to and from -- on their way  
11 to and from Friday prayer?

12 A. Yes. That became one of the trademarks of an al-Shabaab  
13 assassination, was to kill someone usually exiting a mosque,  
14 not just Friday prayer, but prayers.

15 MR. WARD: If I could have Government's 49,  
16 please.

17 BY MR. WARD:

18 Q. Government's 49 was addressed previously through the  
19 first witness and we'll hear more about it later, but on  
20 page 2, if you have it there in front of you, Mr. Bryden, if  
21 you see about dead center of the page Hawo Hassan, who is  
22 called Halima in this transcript, is speaking and the second  
23 sentence reads, "He said, 'Why do people who come out of  
24 mosques get killed?'" And there's an indication that  
25 there's laughing. Do you see where I am talking about?

1 A. Yes, I do.

2 Q. Is that a reference to these assassinations that we were  
3 just talking about?

4 A. Yes, in my assessment it is. It's very common knowledge  
5 that this is a Shabaab tactic.

6 Q. And the one question I think I failed to ask you is: In  
7 your view, is there a reason that al-Shabaab has to employ  
8 these tactics to intimidate the civilian population of  
9 Somalia?

10 A. The only reason would appear to be that al-Shabaab is  
11 not popular, it doesn't have popular support. It's  
12 politically a very weak movement and so it retains control  
13 through an oppressive form of rule.

14 These kinds of killings do two things. One, they  
15 strike fear in the population. Secondly, over a period of  
16 years they have started to eliminate Somali leaders who  
17 disagree with Shabaab's way of thinking. A whole sort of  
18 intellectual caste is being eliminated year by year so  
19 Shabaab, I imagine in a few years, would find itself without  
20 leadership capable of standing up to them.

21 Q. Mr. Bryden, I wanted to talk about a few al-Shabaab  
22 leaders that you may be familiar with. Do you know Mukhtar  
23 Robow?

24 A. Yes, I do.

25 Q. And who is Mukhtar Robow?

1 A. Mukhtar Robow is the -- he's one of the top leadership  
2 of al-Shabaab, probably a member of what is known as the  
3 Shura, the collective leadership of the movement. He's the  
4 senior member of al-Shabaab from the Digil-Mirifle or the  
5 Rahanweyn clan and he's -- that's from the Bay region, Bay  
6 and Bakool region.

7 Q. And does he have a nickname or a kunya?

8 A. He is known also as Abu Mansur.

9 Q. And can you explain to the grand jury -- I'm sorry -- to  
10 the jury what a kunya is.

11 A. A kunya is an Arabic term for a kind of nickname, Abu,  
12 Abu something, Abu Salma, Abu Mansur, Abu Salman, and these  
13 are often references either to one of the companions of the  
14 Prophet Muhammad or a reference to one's children or some  
15 other term. But it's a *nom de guerre*, it's a nickname for a  
16 fighter in al-Shabaab.

17 Q. Now, directing your attention to the time frame February  
18 and March of 2009, in the course of your work did you become  
19 familiar with an individual named Hassan Afgoye?

20 A. Yes, I did.

21 Q. And who is Hassan Afgoye?

22 A. Hassan Afgoye, also known as Hassan Mohamed Ali, also  
23 known as Abu Ayman, was appointed to governor, the senior  
24 Shabaab figure, in the Bay and Bakool regions in 2009. He  
25 had a very brief term of office, I think five or six months.

1 Q. And in what connection did you learn about Mr. Afgoye  
2 becoming the administrative governor of Bay and Bakool in  
3 Somalia?

4 A. It was noteworthy because Abu Ayman/Hassan Afgoye  
5 replaced Abu Mansur, he replaced Mukhtar Robow, who was very  
6 well-known. He had acted as a spokesman for the movement  
7 and was very visible. Most Shabaab leaders are not visible.

8 And in early 2009 the Ethiopian troops withdrew,  
9 al-Shabaab took control of much of southern Somalia. And  
10 when Mukhtar Robow arrived in Baidoa, there were still some  
11 members of the Transitional Federal Parliament from his clan  
12 in Baidoa.

13 There had been an order from the top leadership of  
14 al-Shabaab, particularly from the amir, Ahmed Abdi  
15 [indiscernible] --

16 COURT REPORTER: Could you say that again a little  
17 slower, please.

18 THE WITNESS: -- Ahmed Abdi aw-Mohamed Godane,  
19 that members of the Transitional Federal Government and  
20 parliament should be killed. And Robow didn't kill I think  
21 there were five members of parliament, he allowed them to  
22 leave in safety, and was almost immediately replaced by Abu  
23 Ayman.

24 And so the implication being, because al-Shabaab  
25 doesn't advertise these things, that because Robow wasn't

1 tough enough and he hadn't done what the orders were, that  
2 he was removed from office. And Abu Ayman came in  
3 essentially to make sure that the orders of the Shura and  
4 the leadership were followed.

5 BY MR. WARD:

6 Q. Did he make any public pronouncements about, you know,  
7 whether or not he would carry out the orders with respect to  
8 members of the Transitional Federal Parliament?

9 A. He did. He made public statements that members of  
10 parliament should be killed and would be killed if they --  
11 there were none left in Baidoa at the time, but at least  
12 that was his statement of intent.

13 And then he also embarked on a series of measures  
14 intended to show a crackdown, greater discipline in Baidoa  
15 in terms of dress code, the chewing of khat, which  
16 al-Shabaab discourages, and some security measures that he  
17 put in place.

18 Q. Okay. And what is khat?

19 A. Khat is a -- it's a green leaf. It's grown in Ethiopia,  
20 Kenya, and Yemen. It's widely chewed in Somalia. It's  
21 basically a methamphetamine, a mild methamphetamine, and a  
22 lot of Somali males chew it in the afternoons, sit together  
23 and talk about whatever they choose to talk about. It's a  
24 stimulant.

25 Q. Now, when -- also during the course of your work with

1 the monitoring group did you become aware of whether or not  
2 al-Shabaab published -- or publicized, I'm sorry, itself  
3 publicized the fact that Mr. Afgoye/Hassan Mohamed Ali had  
4 been appointed al-Shabaab administrative governor of Bay and  
5 Bakool?

6 A. Yes. In my work and my previous work we rely very  
7 heavily on what we call open source intelligence and open  
8 source analysis, which is looking at local media, and  
9 assessing these public sources of information.

10 And al-Shabaab has a number of websites and radios  
11 that are identified with the movement, and communiqués  
12 announcing the appointment of Abu Ayman were published on  
13 these websites and over radios.

14 MR. WARD: And if I could have Government's  
15 Exhibit 244, please.

16 BY MR. WARD:

17 Q. And do you recognize Government's 244, Mr. Bryden?

18 A. I do, although I can't read it.

19 MR. WARD: And if we could go more towards the  
20 center of the page and blow it up.

21 BY MR. WARD:

22 Q. And, sir, do you recognize that as the communiqué?

23 A. Yes, I do.

24 Q. And that's the one from al-Shabaab appointing Hassan  
25 Afgoye/Hassan Mohamed Ali/Abu Ayman as the al-Shabaab

1 administrative governor of Bay and Bakool?

2 A. Yes, it is.

3 Q. And is there also a translation attached to it?

4 A. I don't see a translation.

5 Q. (Indicating.)

6 A. Yes.

7 Q. For the benefit of the jury, can you just circle the  
8 portion where it indicates that Abu Ayman is now the  
9 administrative governor of Bay and Bakool.

10 MR. SCOTT: Mr. Prosecutor, why don't you just  
11 offer the exhibit.

12 MR. WARD: I'm sorry. I offer 244, Your Honor.  
13 Thank you, Mr. Scott.

14 MR. SCOTT: No objection.

15 THE COURT: Be admitted. Any objection from --

16 MS. GURSTELLE: No objection.

17 THE COURT: Be admitted.

18 BY MR. WARD:

19 Q. Okay. And what's the date of the communiqué?

20 A. I don't --

21 Q. At the top.

22 A. Dated 20 February 2009.

23 THE COURT: Can I undo all these lines or do you  
24 want them in there?

25 MR. WARD: Oh. Your Honor, I'll take care of that



1 right now.

2 BY MR. WARD:

3 Q. All right. Mr. Bryden --

4 THE COURT: If I could do this. If there's a  
5 section of an exhibit that you want the witness to read,  
6 let's blow that section up so the jury can see it, the  
7 gallery can see it, and maybe even I can see it.

8 MR. WARD: Yes, Your Honor. Can we highlight that  
9 section and blow it up.

10 BY MR. WARD:

11 Q. Okay. And is the top entry there the name of the  
12 individual we've been talking about and referring to as  
13 Hassan Afgoye?

14 A. Yes, it is.

15 Q. And just for the jury's benefit, the name Hassan Afgoye  
16 is not here. Can you explain how that relates to this  
17 individual here.

18 A. The use of nicknames is very common in Somalia. Most  
19 Somalis would have a nickname, for whatever reason. Afgoye  
20 is a town to the west of Mogadishu, as I indicated earlier,  
21 and so the assumption would be if someone has a name like  
22 Hassan Afgoye that he is actually from Afgoye, either was  
23 born there or lived there for part of his life, or maybe he  
24 inherited it from his father or grandfather as a nickname.

25 But that is why we would have his proper name,

1 Hassan Mohamed Ali; his pre-jihadist Somali nickname, Hassan  
2 Afgoye; and then his Shabaab kunya or nickname, Abu Ayman.  
3 It can get confusing.

4 Q. Mr. Bryden, if we could go to --

5 MR. WARD: If I could have Government's  
6 Exhibit 70, please. I'm sorry. I can't read my own notes.  
7 Government's Exhibit 105. And this is a call that was  
8 addressed earlier today and would be addressed later through  
9 the testimony of Special Agent Wilson, but I would ask to  
10 play the call at this point, Your Honor.

11 (Audio recording played.)

12 BY MR. WARD:

13 Q. Mr. Bryden, I forgot to ask before we played the call:  
14 According to the transcript, what's the date of the call?

15 A. 18 March 2009.

16 Q. And are the speakers Hassan Afgoye, a/k/a Abu Ayman, and  
17 Amina Ali?

18 A. Yes, they are.

19 Q. And directing your attention to page 2, just below the  
20 midpoint --

21 MR. WARD: If you could blow up the part that  
22 says, "Amina: I know. You became the Bay and Bakool  
23 region's head. Are you Abu-Ayman? ... Abu Ayman?"

24 BY MR. WARD:

25 Q. Do you see that, sir?

1 A. Yes, I do.

2 Q. And just below that Hassan says, ..."we were involved in  
3 a battle." When he says "we," who was he referring to?

4 A. That was a battle between al-Shabaab and forces aligned  
5 with the TFG.

6 Q. And is there something on the facing page, page 3, that  
7 indicates to you that it was forces of the TFG?

8 A. Yes.

9 Q. Directing your attention to the center of the page where  
10 it says, "Are they the Ethiopians or the so called Somalis."

11 A. Yes.

12 Q. Okay. If you could explain to the jury what that means.

13 A. The forces that al-Shabaab engaged on that day were  
14 militia also from the same clan area, also from  
15 Digil-Mirifle, militias that are supported by Ethiopia and  
16 were trained and operated out of -- from across the border  
17 in Ethiopia but, in fact, Somalis from inside Somalia. So  
18 the reference here is to say were these Ethiopian forces  
19 crossing the border or were they these Somali militias  
20 backed by Ethiopia.

21 Also, the names of two of the leaders of the group  
22 are well-known members of the Transitional Federal  
23 Parliament. Hassan claims these were their brothers.

24 Q. And is that where it says, "Adan Garansoor and Adan  
25 Madowbe"?

1 A. That's right.

2 Q. Subsequent to -- or at this time did al-Shabaab claim  
3 credit for this victory against the TFG forces?

4 A. Yes, they did.

5 Q. And how did they do that, sir?

6 A. They issued a communiqué and reported it widely as a  
7 great victory.

8 Q. And when al-Shabaab issues a communiqué, can you  
9 describe to the jury how -- what media sources they use.

10 A. They use a number of sources. These change over time  
11 because these websites are often targeted by the host  
12 governments and shut down and then re-emerge under different  
13 names.

14 The most -- the best known al-Shabaab affiliated  
15 websites that I believe were used at that time included  
16 al-Qimmah.net, Kataaib.net, which also became Kataaib.info  
17 when it was shut down and re-emerged, so one of the  
18 Kataaib's. And also increasingly one of the more  
19 international jihadist media centers, al-Saha, I believe.

20 Q. And in the same exhibit on page 4, down at the bottom,  
21 do you see where there's a reference to an individual?

22 Amina Ali says, "They were arrested. The other group -- the  
23 man known as Sikiin ..." Do you see that?

24 A. Yes, I do.

25 Q. Can you explain to the jury the significance of that

reference.

A. Of the name Sakiin?

Q. Yes.

A. The name Sakiin -- the best known Somali whom I think bears the nickname Sakiin is the speaker of the Transitional Federal Parliament, Sharif Hassan, widely known -- it's a disparaging nickname, not one he would be proud of -- widely known as Sharif Sakiin.

Q. And two lines above that is Amina talking about people who were working at Paltalk?

A. Yes.

Q. And what is Paltalk?

A. Paltalk, it's a system of online forums. And al-Dawa's Paltalk is one of the forums that from my own experience were used to communicate al-Shabaab news to members of the Somali community in the diaspora, people living abroad, and also to solicit funds online.

Q. And is there an indication from the conversation that this man from the Transitional Federal Government has done something to shut the place down?

A. It would suggest that he's used his influence to have the activists managing the Paltalk forum from Saudi Arabia arrested and to have it shut down and that the forum has migrated to a new forum, one that I am very familiar with, which was the Dawah-Tawheed Paltalk forum.

1 Q. When you say you are very familiar with it, do you  
2 monitor that in the course of your work with the --

3 A. We do monitor it in the course of our work.

4 Q. Going on to Government's Exhibit 70, please.

5 Mr. Bryden, was there a time in early February 2009 when  
6 Sheikh Sharif Sheikh Ahmed, the new head of the Transitional  
7 Federal Government, attempted to install his government in  
8 Mogadishu?

9 A. Yes. In the beginning of February of 2009 he returned  
10 from Djibouti in order to establish his government in the  
11 country.

12 Q. And on the day that he attempted to move in, did  
13 anything of particular significance happen?

14 A. His motorcade and the presidential palace when he  
15 arrived there came under mortar fire.

16 Q. And earlier when you were looking at the map, is the  
17 presidential palace called Villa Somalia?

18 A. Yes, it is.

19 Q. And was that the place that was shelled?

20 A. Yes, it was.

21 MR. WARD: Your Honor, I would ask that -- I'm  
22 sorry.

23 BY MR. WARD:

24 Q. And is the date of the transcript on Government's 70  
25 February 7, 2009?

1 A. Yes, it is.

2 Q. And are the speakers identified as Amina Ali and Hawo  
3 Mohamed Hassan?

4 A. Yes, they are.

5 MR. WARD: Can we play the call.

6 (Audio recording played.)

7 MR. WARD: Can we go ahead and play the second  
8 clip.

9 (Audio recording played.)

10 MR. WARD: And then the final clip.

11 (Audio recording played.)

12 BY MR. WARD:

13 Q. Mr. Bryden, with respect to the mortar bombing of Villa  
14 Somalia, did al-Shabaab claim credit for that through  
15 another one of these communiqués?

16 A. Yes, they did.

17 Q. And in the transcript itself, on the first page when it  
18 refers to "Sharif," who does that refer to?

19 A. That would be the new president, Sheikh Sharif Sheikh  
20 Ahmed.

21 Q. And later on page 3 in the third clip where Halima or  
22 Hawo Hassan states, "Omar Iman held a press conference this  
23 morning; he held it at the Pasta Factory," who is Omar Iman?

24 A. Omar Iman is -- he was the, one would say, founder of  
25 the group called Hizbul Islam. He had recently returned

1 from Eritrea and established a new militia inside the  
2 country. He later became the deputy to the real head of  
3 Hizbul Islam, Hassan Dahir Aweys.

4 Q. And is Hizbul Islam another opposition militia operating  
5 against the TFG?

6 A. Yes, it was.

7 Q. And what groups is it composed of?

8 A. Hizbul Islam was composed of four groups: the Alliance  
9 for the Reliberation of Somalia based out of Asmara and  
10 headed by Sheikh Hassan Dahir Aweys; the Jabhadda Islaamiga  
11 Soomaaliyeed or Somali Islamic Front known as JABISO; the  
12 Anole group or Anole forces, which were a very small group  
13 based in the Kismayo area from the Harti clan; and the  
14 fourth group were the Ras Kamboni forces, which were the  
15 forces of the longstanding Islamist militia leader known as  
16 Hassan Turki.

17 Q. And, Mr. Bryden, continuing on to the final page where  
18 Hawo Hassan, identified as Halima, says, "Their pictures are  
19 all over Shabeelle." What's Shabelle?

20 A. Shabelle News is one of the foremost media houses in  
21 Somalia. It's both a radio and a website.

22 Q. Moving to Government's Exhibit 91. Do you have the  
23 transcript for 91 in front of you, Mr. Bryden?

24 A. Yes, I do.

25 Q. And does it indicate a telephone conversation on the



1 25th of February 2009?

2 A. Yes, it does.

3 Q. And are the speakers Hassan Afgoye, a/k/a Abu Ayman, and  
4 Amina Ali?

5 A. Yes, they are.

6 MR. WARD: May we play the call.

7 (Audio recording played.)

8 BY MR. WARD:

9 Q. Now, Mr. Bryden, this call that we just listened to,  
10 Government's 91 --

11 A. Yes.

12 Q. -- described a suicide bombing; is that correct?

13 A. That's correct.

14 Q. Did al-Shabaab claim credit for a suicide bombing on the  
15 Burundian forces about the time of this phone call?

16 A. Yes, they did.

17 Q. And were the Burundians there as part of the AU or  
18 AMISOM?

19 A. Yes, they were.

20 Q. And did you become aware of that bombing at the time?

21 A. I did. The mandate of the monitoring group specifically  
22 refers to attacks on African Union forces, so we have a duty  
23 to investigate and report.

24 Q. In the call Hassan Afgoye and Amina Ali are talking  
25 about a three-stage suicide bombing. Can you explain to the

1 jury your recollection of what happened there.

2 A. On the incident in question, our understanding is that  
3 the two bombers -- certainly one of them was a vendor who  
4 was well-known to the African Union forces. He had a small  
5 shop inside the Burundian camp, the Jaalle Siyaad Academy.  
6 And another relation of his, who was known to the  
7 Burundians, was the second bomber.

8 It was a Sunday and so the Burundians had a small  
9 religious service, and when they exited the chapel --  
10 typically on a Sunday it's a day off for most of the  
11 garrison. They had a habit of calling their families,  
12 buying SIM cards and other small items to enjoy the day off.

13 So they would go to this kiosk. The vendor kept  
14 the kiosk closed for a short period after the end of the  
15 service, so the Burundian soldiers came very --

16 MR. KELLY: Excuse me, sir. We are having a  
17 little technical problem on our equipment here.

18 (Pause.)

19 THE COURT: Continue.

20 MR. KELLY: It's corrected, Your Honor.

21 BY MR. WARD:

22 Q. Go ahead, Mr. Bryden.

23 A. The Burundians, many of them came to the kiosk to buy  
24 the usual phone cards and what have you and because it  
25 wasn't open there was quite a crush, quite a crowd waiting

1 for it to open. The vendor claimed he'd lost the key. When  
2 he determined that there were enough soldiers around him and  
3 his kiosk, he detonated his vest.

4 The other suicide bomber was parked in a vehicle  
5 in another direction from the kiosk, so that when the  
6 soldiers who survived ran away from the kiosk to -- the  
7 vehicle was in the direction many of them were running and  
8 the driver of the vehicle detonated the vehicle as well. It  
9 was more of an incendiary device, killing more soldiers.

10 And when that had finished, the Shabaab then  
11 mortared the Burundian camp and sustained mortar fire for  
12 several hours throughout the afternoon.

13 So that was the three phases, the personal or the  
14 PBIED, the VBIED, and then the mortar attack.

15 Q. Do you recall what the death toll was on the Burundian  
16 forces?

17 A. Off the top of my head I don't recall the death toll,  
18 but it was in the dozens. It was the most serious attack on  
19 their camp to date.

20 Q. And this was back in February of 2009?

21 A. That's correct.

22 Q. Now, in the transcript on page 2 there's a reference to  
23 the Ugandans down at the bottom of the page where Amina  
24 says, "Was it the Ugandans?"

25 A. Yes.

1 Q. Is there any particular significance to the Ugandans in  
2 your view?

3 A. The Ugandans were the main body of the force and the  
4 most active. The Burundians came in later. And there was a  
5 general public perception that the Ugandans were the more  
6 aggressive. The president of Uganda was personally involved  
7 in getting this force deployed to Somalia. And so Shabaab  
8 was generally and Hizbul Islam were more hostile to the  
9 Ugandans as the main aggressors. The Burundians were seen  
10 as having been encouraged to tag along. They had a smaller  
11 force and were less aggressive.

12 Q. And at the center of that page Amina says, "It's exactly  
13 as I read it there -- okay. It's on Hilaac --" Do you know  
14 what Hillaac is?

15 A. Yes. It's actually pronounced Heh-lah [phonetic]. It's  
16 the name of a website.

17 Q. Does it distribute news from Somalia?

18 A. It distributes news from Somalia and it tended to be  
19 aligned not specifically with Shabaab information, but with  
20 opposition and Islamist information.

21 MR. WARD: If we could go to Government's  
22 Exhibit 141.

23 BY MR. WARD:

24 Q. And looking at the transcript itself, Mr. Bryden, is  
25 that the transcript of a call dated June 18, 2009?

1 A. Yes, it is.

2 Q. And are the speakers Hawo Mohamed Hassan and Amina Ali?

3 A. Yes, they are.

4 MR. WARD: Offer Government's Exhibit 141.

5 MR. SCOTT: Same foundation objection I've had  
6 throughout, Your Honor.

7 MS. GURSTELLE: No objection to this transcript.

8 THE COURT: Be admitted.

9 BY MR. WARD:

10 Q. Now --

11 THE COURT: Are you going to play it?

12 MR. WARD: I was, Your Honor, but I was going to  
13 ask a couple of background questions.

14 THE COURT: Go ahead.

15 BY MR. WARD:

16 Q. Mr. Bryden, about this time, June 18th, was there a  
17 suicide bombing at a hotel called the Medina?

18 A. Yes, there was.

19 Q. And what city is that located in?

20 A. In Beledweyne.

21 Q. And can you tell the ladies and gentlemen of the jury  
22 what happened or what the circumstances were of that suicide  
23 bombing.

24 A. The circumstances were that the Transitional Federal  
25 Government minister of national security, a man named Omar

1 Hashi, who was from the Hawadle clan, he had been a member  
2 of the opposition, Alliance for the Reliberation of Somalia,  
3 based in Asmara. He was appointed to this position in  
4 President Sharif's government and returned to Mogadishu.

5 Beledweyne is in a very contested region.  
6 Basically the west part of the region, Hiran region, was  
7 aligned with al-Shabaab. The clans of the eastern part more  
8 with the government.

9 And the minister, since this was his home region,  
10 was sent there on a delegation to mobilize support for the  
11 government and presumably to make some local security  
12 arrangements between the clans. They were holding meetings  
13 in a major hotel in the town, called the Medina.

14 And after one of the meetings had ended and  
15 participants in the meetings and other people who were just  
16 hanging around the hotel came out accompanying the  
17 dignitaries to their vehicles, a vehicle drove into the  
18 hotel parking lot through the main gate and detonated,  
19 killing many of the participants and also civilians.

20 Q. And did al-Shabaab claim credit for that suicide bombing  
21 at the hotel, the Medina?

22 A. Yes, they did.

23 Q. And was the Somali -- or the ex-Somali Ethiopian  
24 ambassador also killed in that attack?

25 A. Yes. Abdikarim Farah Laqanyo, former ambassador to

1 Ethiopia, was killed in the attack as well.

2 MR. WARD: Can we play the call.

3 (Audio recording played.)

4 THE COURT: All right. Let's stop here. It's  
5 5:00. Members of the Jury, please leave your -- please take  
6 your -- all your books back to your jury room. Again, you  
7 cannot take them home and I do not want you looking at them  
8 unless you're in court because some of the exhibits have not  
9 been admitted into evidence yet. I know I have allowed you  
10 to take notes and that's why I want you to take them back to  
11 the jury room and not leave them in your chair.

12 We will start up again at 9:00 tomorrow morning.  
13 And, again, all my earlier instructions apply, that you are  
14 not to watch the news, read the newspapers, or do any  
15 blogging, tweeting, Internet searches on this matter. Enjoy  
16 this wonderful weather. Have a good evening.

17 (Jury excused.)

18 **IN OPEN COURT**

19 **(JURY NOT PRESENT)**

20 THE COURT: Anything that we should talk about  
21 before we recess? For the government?

22 MR. PAULSEN: We have nothing at this time, Your  
23 Honor.

24 THE COURT: For defense?

25 MR. SCOTT: I don't have anything, Your Honor.

1 MS. GURSTELLE: Nothing, Your Honor.

2 THE COURT: All right. We'll be in recess. My  
3 class, students in my class, just stay in the courtroom and  
4 I'll be out in a few minutes after I get situated. We'll  
5 recess for the day and we'll start up tomorrow at 9:00.

6 (Court adjourned at 5:00 p.m.)

7 \* \* \*

8  
9  
10 I, Lori A. Simpson, certify that the foregoing is a  
11 correct transcript from the record of proceedings in the  
12 above-entitled matter.

13  
14 Certified by: s/ Lori A. Simpson

15 Lori A. Simpson, RMR-CRR

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